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L A W S

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF OREGON;

ENACTED DURING THE

EIGHTH REGULAR SESSION THEREOF.

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DECEMBER 1, 1856; CONCLUDED, JANUARY 29, 1857.

THE 81ST YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

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1857.

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GENERAL LAWS.

AN ACT to provide for the Election and to Define the Duties of a Superintendent of the Penitentiary.

- SEC. 1. Governor to appoint superintendent of penitentiary for current year ; Legislative Assembly to elect thereafter ; term of office two years.
2. Qualification of Superintendent.
 3. Person first elected to said office to receive books, &c., from late commissioners.
 4. Governor to fill vacancy in said office.
 5. Duty of Superintendent defined.
 6. Governor declared treasurer of fund, &c.
 7. Superintendent to appoint keeper of penitentiary ; his duty, salary &c.
 8. Superintendent ; his powers, authority ; may make certain improvements and expenditures.
 9. Superintendent and keeper to receive, keep, and employ convicts.
 10. Salary of Superintendent ; how paid.
 11. Superintendent to report to each session of Legislative Assembly.
 12. Repeal of inconsistent acts.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That it shall be, and hereby is the duty of the Governor of the Territory to appoint some competent person to act as superintendent of the territorial penitentiary, during the current year, and until his successor shall have been duly elected and qualified ; and that thereafter the Legislative Assembly in joint convention assembled shall elect one competent superintendent of the said penitentiary, who shall continue in office for two years from the date of his election and until his successor shall have been duly elected and qualified.*

SEC. 2. The superintendent, whose election is provided for in the first section of this act, before entering upon the duties of his office, shall take and subscribe an oath, to be certified on the back of his bond, before one of the judges of the supreme court or a judge of

probate, to support the Constitution of the United States, and the provisions of the act of Congress organizing the Territory of Oregon, and faithfully and impartially perform the duties of his office according to law, to the best of his abilities; and shall enter into a bond to the Governor of the Territory, with two or more good and sufficient sureties, to be approved by said Governor, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties, according to law, which oath and bond shall be filed in the office of the Secretary of the Territory.

SEC. 3. The person first elected to the office of superintendent after he shall have been duly qualified, and given bonds as herein provided for, shall demand and receive from the late board of commissioners of the said penitentiary, all books, papers, moneys, rights, credits, effects, and property belonging to said penitentiary.

SEC. 4. Should a vacancy occur in the office of said superintendency by a failure to qualify, death, resignation or otherwise, the Governor of the Territory is hereby empowered to appoint some suitable person, a resident of the Territory to fill such vacancy, and the person so appointed shall qualify according to the provisions of this act, and shall enter upon the duties assigned to his predecessor.

SEC. 5. It shall be the duty of the superintendent to superintend the performance of all contracts which are now or may hereafter be authorized by law, for labor and material; to see that the terms of each contract are fulfilled; to sell material or other property, the sale of which shall be authorized by act of the Legislature; to make all authorized alterations, improvements and repairs in and about the penitentiary buildings or grounds; to secure the survey of the same; to have and exercise a general supervision over the penitentiary buildings, and the convicts confined in the same including the labor and safe keeping of the same; and do and perform such other duties pertaining to the said penitentiary as may be authorized by law; *provided*, that the superintendent shall not be interested directly or indirectly in any contract of any kind whatsoever connected with said penitentiary, during continuance in office, under the penalty of three thousand dollars to be prosecuted and collected of him, and the sureties upon his official bond upon an action of debt under the direction of the Governor of the Territory.

SEC. 6. The Governor of this Territory is hereby declared to be

the Treasurer of the fund appropriated by the Congress of the United States to be applied to the erection of a penitentiary; and shall make requisition for and receive from the proper officer of the United States treasury all moneys that now are or may hereafter be appropriated for the erection or completion of a penitentiary, and to keep the same in safety being at all times prepared to pay the drafts of the superintendent, which may be authorized by law, out of such funds as he shall receive, by virtue of the provisions of this act.

SEC. 7. The superintendent shall have power and it is hereby made his duty to appoint some suitable and discreet person, whose duty it shall be to keep, feed, and take care of any and all convicts which now are, or may hereafter be confined in the Territorial penitentiary; which keeper shall receive the sum of six hundred dollars per annum as salary, and the further sum of four dollars per week for the board of each and every convict.

SEC. 8. The superintendent shall have and exercise a general supervision over the internal management of the prison, the conduct of the keeper—may remove him for neglect of duty—and shall be responsible for the general government of the prison, and the safety and proper care of the convicts. The superintendent shall have power and authority to sell iron doors or other property belonging to the penitentiary ascertained to be useless, for any purpose connected with said penitentiary; to convert the old or original building belonging to the penitentiary into work-shops for the use of the convicts; to make the improvements and alterations in the interior of the prison, recommended in the late annual report of the penitentiary commissioners; to furnish necessary stoves, and wall the prison well, and place a pump in the same; and for these purposes there shall be and hereby is appropriated out of the Territorial treasury, the sum of one thousand dollars; and it is hereby made the duty of the Territorial auditor to audit, and the Territorial treasurer to pay the aforesaid superintendent the sum of one thousand dollars.

SEC. 9. The said superintendent and keeper are hereby authorized and required to receive from the sheriffs of the several counties, all persons who are now under sentence, or may hereafter be sentenced to the penitentiary, and keep them safely according to law; and the said sheriffs are hereby authorized and required to deliver such convicts safely to the said keeper at Portland, in the county of

Multnomah, and take his receipt therefor, which shall fully acquit and discharge said sheriffs from all responsibility for the custody and safe-keeping of said convicts; and it shall be lawful and is hereby made the duty of said superintendent and keeper to employ all convicts in the penitentiary, so far as they may deem it practicable, in labor in and upon the penitentiary buildings and grounds, or in mechanical pursuits within the penitentiary if deemed practicable. The said convicts, so far as respects their employment in the penitentiary shall be under control of said superintendent and said keeper; the daily food of convicts shall consist of healthy coarse food, with such proportion of meat and vegetables as the superintendent shall deem best for the health of the convicts; but no tea, sugar, coffee, tobacco, snuff, spirituous liquors, or any article of luxury or indulgence shall be allowed any convict—and the said keeper of the penitentiary, after receiving any order from the superintendent in regard to the labor or management of the convicts under his charge shall be bound to execute such order in all cases, as near as the circumstances of the case will permit; and the said keeper shall secure each and every convict by the means of chains, rings, and balls, or any combination thereof as he may deem proper for the safe keeping of such convicts.

SEC. 10. The superintendent shall receive the sum of one thousand dollars per annum, out of any moneys in the Territorial Treasury not otherwise appropriated, as full compensation for his services as such superintendent; which sum, together with the amount allowed to the keeper, and the cost of the board of convicts shall be paid quarter-yearly, out of the Territorial Treasury on the order of the auditor of the Territory.

SEC. 11. The superintendent of the penitentiary shall make a full report in writing of his proceedings to each session of the Legislative Assembly on or before the third Monday of each session.

SEC. 12. The board of penitentiary commissioners is hereby abolished; and all laws and parts of laws in conflict with this act, be and they are hereby repealed.

SEC. 13. This act to take effect from and after its passage.
Passed January 28, 1857.

L. F. GROVER,
Speaker of the House of Representatives.
JAS. K. KELLY,
President of the Council.

AN ACT to Tax and Protect Chinamen Mining in Oregon.

- SEC. 1. After first March, 1857, no Chinaman shall mine gold without license.
2. Tax for license, \$2 00 per month.
 3. Auditors to issue blank licenses to sheriffs; form of license.
 4. Blank licenses to be numbered and receipted for by sheriff.
 5. Tax to be collected by sheriff, forthwith.
 6. Sheriff to make return, &c.
 7. Sheriff to give bond under this act; condition of such bond.
 8. If Chinamen refuse to purchase license when found mining, duty of sheriff.
 9. Sheriff required to return blank licenses and report to auditor.
 10. Duty of Treasurer.
 11. Auditor to report to county commissioners.
 12. If sheriff or deputy neglect or refuse to pay over money, deemed guilty of embezzlement.
 13. Sheriff or deputy collecting money on fraudulent license deemed guilty of forgery.
 14. Any person having Chinamen at work in mines, liable for payment of tax.
 15. Sheriff may appoint deputies to collect tax.
 16. Protection to Chinamen complying with this act.
 17. If any person circulating fraudulent license, or forging license, deemed guilty of forgery.
 18. Twenty per cent. of tax to go to Territory.
 19. Tax of sheriff and auditor under this act.
 20. What Chinamen deemed miners under this act.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That from and after the first day of March, 1857, no Chinamen shall mine gold in this Territory, unless licensed so to do as provided by this act.*

SEC. 2. Every Chinaman engaged in mining gold in this Territory shall pay for such mining privilege, the sum of two dollars tax per month, in manner hereinafter provided.

SEC. 3. It shall be the duty of the county auditor of each county wherein gold is or may hereafter be mined, on the first Mondays of March, May, July, September, November, and January of each year, to issue to the sheriff of his county any number of blank licenses sufficient for the purposes contemplated by this act, substantially in the following form :

No.

Territory of Oregon, County of ———, ss :

(Date.)

This certifies that, (name of tax-payer,) has this day paid the county of ———, two dollars, which entitles him to work in the mines of Oregon Territory, two months from date.

(L. s.) Witness my hand and the seal of said county.

A. B., Auditor.

SEC. 4. Said blank licenses shall be numbered, consecutively, from the beginning to the close of each fiscal year, and duly recorded by the auditor before issuing the same, and the sheriff shall give receipt for said blanks so issued, which receipt shall be filed and preserved by said auditor.

SEC. 5. All taxes collected by virtue of this act, shall be collected by the sheriff of the county wherein persons liable to such taxation may reside or be at work, every two months, forthwith after the issuing of the licenses, as provided in the third section of this act.

SEC. 6. Said sheriff shall make due return to the treasurer of his county of the number of licenses sold, the names of the purchasers, and the amount of money received thereon, which he shall pay over to the treasurer on or before the first Monday of May next, and every two months thereafter, always deducting therefrom his lawful fees.

SEC. 7. Before entering upon the duties of his office, imposed by this act, the sheriff shall execute and deliver to the board of county commissioners of his county a good and sufficient bond, with two or more sufficient sureties, to be approved by said board, in the penal sum of ten thousand dollars. Conditioned that he shall well and truly perform the duties imposed by this act ; make full and due report of his official proceedings under the same, and promptly pay over to the county treasurer all moneys in his hands collected as

taxes from Chinamen whenever required by law or the order of said board of county commissioners ; *provided*, the bond in the section mentioned, shall be additional to that required by existing law in the ordinary qualification of sheriffs, and in no case shall the sureties in the bond herein required or either of them, be the same who have signed any bond of office for the same sheriff, and said sheriff thus qualified, shall be held liable on his bond to said board of county commissioners for all licenses by him received and all moneys collected under the provisions of this act.

SEC. 8. Whenever any Chinamen shall be found mining in any county in said Territory, not having a license therefor, as in this act provided, and refuses to purchase one when tendered, the sheriff may seize any property belonging to him and sell the same at public sale to the highest bidder, at one hour's notice ; which notice shall be given by proclamation, and if the property sold shall amount to more than the payment for the license, and cost of sale, the balance shall be paid over to the party whose property was so sold.

SEC. 9. Immediately preceding the time [fixed] by law for the settlement of the sheriff with the treasurer, it shall be the duty of said sheriff to return to the auditor all licenses remaining in his hands, and he shall also be required to report to the auditor the amount of money by him paid over to the treasurer, which said auditor shall record in a book, as provided in section seven of this act.

SEC. 10. The treasurer, as soon as practicable after each settlement with the sheriff, shall make his report to the auditor, of all the money received by him from the sheriff, which the auditor shall also keep a record of, as provided in section seven.

SEC. 11. The auditor shall make a report to the county commissioners of all licenses by him delivered to the sheriff, and the number of licenses returned to him, and also transmit the report of the treasurer to said board of commissioners, who shall compare the amount of money in the treasury with the record kept by the auditor, and the number of licenses returned by the sheriff, and if there shall be any discrepancy in the amount of money in the treasury and the number of licenses returned by the sheriff, it shall be the duty of the commissioners to immediately inform the prosecuting attorney of the county of which said delinquent and his sureties belongs, who shall commence suit against such delinquent and his sureties forthwith.

SEC. 12. If the sheriff or any person acting as his deputy, shall neglect or refuse to pay over the money collected by either of them, under the provisions of this act, or shall appropriate any part thereof to his or their use, other than the per centum hereinafter provided in this act, he or they shall be deemed guilty of embezzlement and upon conviction thereof, shall be punished by imprisonment in the penitentiary any term not less than one year nor more than ten years.

SEC. 13. Any sheriff or his deputy who shall be found guilty of collecting money of any Chinamen by means of fraudulent licenses, shall be deemed guilty of forgery, and upon conviction shall pay a fine of one thousand dollars to the Territory and be imprisoned in the penitentiary any time not less than one, nor more than ten years.

SEC. 14. Any person having a Chinaman, or any number thereof to work in the mines of this Territory, shall be liable for the payment of licenses for any and all such Chinamen so employed.

SEC. 15. Any sheriff may if necessary, appoint any number of deputies to assist him to collect the tax, which this act provides for, but in all such cases, the sheriff shall be held responsible on his bonds for the faithful discharge of the duties of such deputies.

SEC. 16. All Chinamen who shall comply with the requirements of this act, shall be protected in the right to their mining claim by all the laws and privileges that protect and govern American citizens in their rights to work said mines.

SEC. 17. If any person shall be charged with circulating fraudulent licenses, or shall alter any license, and impose the same on any Chinaman, upon conviction thereof, he shall be deemed guilty of forgery, and shall be imprisoned in the penitentiary any time not less than one, nor more than ten years, and be fined in any sum not exceeding one thousand dollars, to be used for territorial purposes.

SEC. 18. Twenty per cent. of the revenue derived from the taxation of Chinamen before deducting the cost of collecting, shall go and be accounted for to the territorial treasury, in the same manner as other territorial revenues are accounted for.

SEC. 19. The auditor of each county wherein Chinamen may be engaged in gold mining, shall be allowed for his services, as specified in this act, five per cent., and the sheriff fifteen per cent. on all moneys collected by virtue of the provisions of this act.

SEC. 20. All able bodied Chinamen residing or remaining within

any of the mining districts of the Territory shall be considered miners under the provisions of this act, unless they are directly engaged in some other lawful business avocation.

SEC. 21. This act shall take effect from the time of its passage.

Passed January 22, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to conform the Practice of the Courts to the Act of Congress of August 16, 1856.

- SEC. 1. Clerks of each district court to appoint deputy in each county, who shall receive same fees as principal, keep office at county seat, &c.
2. Deputy shall transmit to principal files and transcript of all cases pending in his county, and clerk shall enter such unfinished causes in his docket, &c.
3. Writs of summons abolished and notice substituted in place thereof; form of such notice.
4. Complaint to be entitled of county in which the action would have been triable before this act; defendant shall appear in any court which plaintiff may deem most convenient; if this privilege abused, cause to be dismissed; venue may be changed by order of court for cause.
5. Witness not to be summoned to district court except in admiralty, divorce, chancery, and special cases arising under laws of U. S.; but pleading shall be filed and case disposed of or brought to issue of fact at appearance term unless further time allowed; issues of fact to be tried in county in which venue is laid.
6. Clerk of district court two days before term to issue venire for grand jury fifteen in number, to have cognizance of offences against laws of U. S., and also, against laws of Territory where accused held to bail and preliminary proceedings brought into court and laid before them.
7. Indictment to state in what county offense was committed, and issues of fact arising thereon, to be tried in such county, unless the court shall order the same tried in another county.
8. At each term of the district court the judge shall appoint a time when he will sit in the several counties and give notice thereof, and the clerks shall draw such number of jurors as the notice shall specify and cause them to be summoned in same manner as heretofore; judges to sit at such times and places so appointed and try said issues and the verdicts, nonsuits, defaults, and proceedings shall be noted upon papers and sent to district court where cause is pending and entered on record and proceeded upon the same as if proceeding had all been in said court; in criminal cases court to proceed to judgment and execution at place of trial.

- SEC. 9. Territorial indictments deemed at issue on plea of not guilty, and shall be sent down for trial at next sitting thereafter; no prisoner in custody shall be sent out of the county for purpose of pleading or receiving sentence.
10. Recognizance of persons held to bail by committing magistrate; form of; magistrate shall transmit papers, proceedings, recognizance, and testimony of witnesses to clerk of district without delay.
11. Writs may be issued by clerk or any of the deputies.
12. Clerk and deputies shall keep book in which verdict shall be entered, &c.; if judgment be entered upon such verdict, it shall be a lien upon real estate in county.
13. At the close of each term of district court, clerk shall make up rolls, &c.; execution and final process, how to issue and be returned.
14. Judgment by default, what roll to consist of; judgment after appearance, notice and proof of service, &c.; fees for excess.
15. Appeals from justices of the peace and other inferior tribunals, to be sent to office of clerk of county in which cause originated, and there tried, unless change of venue, &c.
16. If trial jury needed, venire to issue for such number as court may direct.
17. If the act of congress aforesaid shall be repealed; the operation of this act to cease in sixty days thereafter.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the clerk of the district court of each judicial district shall appoint a deputy in each county of his district who shall possess the same powers and receive the same fees for services as his principal; and such deputy shall keep his office at the seat of justice of his county, and shall have the custody of the records of the former district court of the county, and of such additional records, papers and other things as may lawfully come to his possession as such deputy, and shall perform all such duties as may be devolved upon him by law or by any rule or order of the district or supreme court, or any judge thereof.

SEC. 2. Each deputy clerk shall forthwith transmit to his principal the original files of all causes, other than appeals, pending and undetermined in his county, accompanied by a transcript of all journal entries touching the same; and the clerk shall enter such unfinished causes upon his docket; and the same proceedings shall thereupon be had as if those causes had been commenced and thus far prosecuted in the district court for the district as organized under the said act of congress.

SEC. 3. Writs of summons are abolished, except in the Admiralty and United States causes, and instead thereof, a notice signed by the plaintiff or his attorney shall be endorsed upon or appended to

the complaint and served as a summons, which may be substantially as follows :

“ To — : You are hereby notified that unless you appear in the district court of the — judicial district of the Territory of Oregon, on the first day of the term to be held — on the — day of —, 18—, and answer the within (or annexed) complaint, the same will be taken for confessed and the prayer thereof will be granted by the court.” Which complaint and notice may be served by any sheriff within his county, or otherwise according to law, and shall be returned to the court designated in the notice.

SEC. 4. Every complaint shall be entitled of the county in which the action would have been triable under the existing laws ; and the notice may require the defendant to appear in the court of any district which the plaintiff shall deem most convenient ; and if this privilege shall be abused, the court to which the cause is brought may dismiss the same, or may send it to the proper district, at the option of the defendant. And causes now pending, or to be pending, in any district, may, for the convenience of the parties or other good cause, be transferred, by the order of the judge, to any other district.

SEC. 5. Witness shall not be summoned to the district court, except in Admiralty, and by the order of the court or judge, in divorce, chancery, and other special cases, arising under the laws of the United States. But the pleadings shall be filed and the case disposed of or brought to an issue of fact at the appearance term, unless without, fault of parties, further time shall be necessary ; and if an issue of fact is formed, it shall be sent to the county in which the venue is laid, unless the court, for cause, shall send it to some other convenient county in the same or another district, to be there tried by a jury of the county, as hereinafter provided.

SEC. 6. The clerk of the district court, ten days or more before each term, shall issue a venire directed to the marshal requiring him to summon fifteen good and lawful men of the district to serve as grand jurors at that term, twelve of whom shall be a quorum ; and such grand jury shall have cognizance of offenses against the laws of the United States and of such criminal cases only under the laws of the Territory, as the court shall submit to them ; and no territorial case shall be submitted to the grand jury unless the party

accused shall have been held to bail, or committed for trial, nor unless the proceedings and testimony taken at the preliminary examination shall have been brought into court to be laid before the grand jury; and the finding of the grand jury shall be upon the written testimony so submitted to them, without the personal attendance of witnesses, unless it shall be found necessary in cases now pending in which the evidence has not been recorded.

SEC. 7. Every indictment shall state in what county the offense was committed, and issues of fact arising thereon shall be sent down to that county, to be tried with the issues in civil actions, unless the court, for cause, shall send the same to another county in that or another district.

SEC. 8. At each term of the district court the judge shall appoint the times when he will sit in the several counties of his district where issues have been sent, or may be pending, and shall give notice thereof to the clerk and deputy clerks in those counties, who shall thereupon, at a time to be fixed by the notice, proceed to draw such number of jurors as the notice shall specify, in the mode prescribed by existing laws, and shall cause them to be summoned as heretofore. And the judge shall sit at the times and places so appointed, and shall then and there try the said issues, excepting such as may be postponed for cause; and the verdicts, nonsuits, defaults, and other proceedings shall be noted upon or appended to the papers and sent to the district court in which the causes are pending, and shall be there entered and proceeded on as if such trials, nonsuits, defaults, and other proceedings had taken place in the said court: And if the jury shall find a verdict of guilty in a criminal case, the judge shall forthwith pass sentence; and he may either cause the sentence to be immediately executed, or, in doubtful cases, he may suspend execution of the sentence until a motion for a new trial can be heard, or other supplementary proceedings can be had in court. And if execution of the sentence be suspended, a writ of execution may be awarded by the court.

SEC. 9. Every territorial indictment not quashed or otherwise disposed of during the term at which it is presented, shall be deemed to be at issue on the plea of not guilty, without any arraignment or formal plea, and shall be sent down for trial at the first sitting thereafter. And no territorial prisoner in actual custody or confinement,

shall be conveyed out of the county, for the purpose of pleading or receiving sentence.

SEC. 10. Recognizances of persons held to bail by committing magistrates, in territorial cases, shall be substantially in the following form :

“A. B., principal, and C. D. and E. F., sureties, acknowledge themselves to owe the Territory of Oregon — dollars, to be void if the said A. B., who is charged with the offense of —, shall appear in person at the time and place to be appointed for his trial and not depart without leave.”

And recognizances of witnesses may be in the following form :

“A. B. C. and D., acknowledge themselves to owe the Territory of Oregon — dollars each, to be void if they shall severally appear in person at the time and place to be appointed for the trial of — on the charge of — and testify what they know respecting the same, and not depart without leave.” And committing magistrate shall transmit the papers and proceedings before them, with the recognizances and the testimony of the witnesses, to the clerk of the district, for the use of the grand jury, without delay.

SEC. 11. Subpoenas returnable to the trial sittings in any county may be issued by any clerk or deputy in the Territory, and may be served by any sheriff within his county, or in any lawful mode. And warrants, attachments, replevins, writs of certiorari, and other process, original and auxiliary, may, when properly issuable, be issued by the clerk or any of his deputies in the district in which the same is returnable, or by the clerk or deputy in the county in which the venue is laid out of such district.

SEC. 12. The clerk and each of his deputies, shall keep in his office a book in which every verdict for a sum of money shall be noted at the time of its rendition, in which the names of the persons against whom the verdicts are given shall be arranged in alphabetical order, and in the same horizontal line shall be placed in columns, under appropriate heads, the names of the prevailing parties, and the amounts and dates of the verdicts. And if judgment shall be afterwards given upon any such verdict, and shall be enrolled and entered in the judgment lien docket of that county, it shall operate as a lien upon real estate within the county from the date of the verdict.

SEC. 13. At the close of each term of the district court, the clerk, without delay, shall make up the judgment rolls, using for that purpose copies, and retaining in his office the originals of the papers included in the roll; and shall transmit each roll, in which the venue is not laid in his county, to the clerk or deputy in the county in which the venue is laid; and the rolls shall be numbered and filed in the offices of the clerks and deputies in the counties in which their venues respectively are laid; and thereupon the judgments and decrees shall be entered in the judgment lien dockets of those counties respectively, with the numbers of the rolls and the dates of the verdicts, if dated, in appropriate columns. And execution and final process shall issue out of and be returnable to the office of the clerk or deputy in which the roll is filed.

SEC. 14. In cases of judgment by default, the judgment roll shall consist of copies of the complaint and notice, with the proof of service, and a copy of the judgment or decree. In cases of judgment after appearance, the notice and proof of service shall be omitted, and the roll shall consist of copies of the pleadings, and of the verdict, report, or award, if any, and of the judgment or decree. If other matters are included, without the order of the judge, the fees for such excess shall be disallowed.

SEC. 15. Appeals from justices of the peace, boards of commissioners, probate courts, and other inferior tribunals and officers, shall be sent to the office of the clerk or deputy in the county in which the cause was tried or the proceeding was had, and shall there be tried, if a trial be necessary and a change be not taken to another county; and the cause shall be thence transmitted to the court for judgment and supplemental proceedings as in other causes.

SEC. 16. If a trial jury shall at any time be necessary for United States causes in the district court, a venire may be issued to the marshal for such number of jurors as the court or judge shall direct.

SEC. 17. If the present congress shall repeal or so amend the aforesaid act, that the terms of court heretofore appointed by the Legislative Assembly can lawfully be held, then this act shall cease to have effect at the end of sixty days from the time of such repeal or amendment; and the said statutory terms shall thereafter be held, and their proceedings shall be regulated by the laws heretofore in force.

SEC. 18. This act to take effect from and after its passage.
Passed December 10, 1856.

L. F. GROVER,
Speaker of the House of Representatives.

JAS. K. KELLY,
President of the Council.

AN ACT to amend "An act to regulate Proceedings in actions at Law in the Supreme and District Courts."

- SEC. 1. Removal of judgments, when and where to take place; may be by consent.
2. Proceeding for revival; form of notice.
3. Pleadings, trial, &c.; entry of judgment; lien thereof upon real estate.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That any judgment being a lien, or which may hereafter become a lien on the real property of a judgment debtor, as provided in section sixty-two, of chapter two, of "An act to regulate proceedings in actions at law in the supreme and district courts," passed January 7, 1854, or any judgment rendered in any district or circuit court of this Territory prior to the first day of May, 1854, may be revived for the principal and interest due thereon, by an action in the district court where the judgment was rendered, or where the judgment debtor resides, at any time after the expiration of three years from the time of the rendition of such judgment. Such judgment may also be revived by consent of parties, as in other cases of judgments by confession.

SEC. 2. Such action shall be commenced by serving a copy of the complaint and a notice on the defendant, and on any person claiming an interest in such real property, which notice shall be served in the same manner as writs of summons are served, and may be in the following form:

Territory of Oregon, County of ———, ss:

To C. D., defendant: You are hereby notified to appear at the district court in and for the county of ———, on the ——— day of

——, 18—, and show cause why the judgment rendered against you, and in favor of A. B., plaintiff, and entered on the judgment lien docket of —— county, on the —— day of ——, 18—, for \$—— should not be revived for the sum of \$——.

(L. s.) Witness my hand and the seal of said court the ——
18—.

E. F., Clerk.

SEC. 3. The pleadings, proceedings and trial shall be the same as in other actions at law; and if such action be commenced before the expiration of such lien, it shall have the effect of continuing the same from the time of commencing such action until five years after the rendition of the judgment of revival, and entry upon the lien docket, unless it be previously satisfied. Now if such action be commenced after the expiration of such lien, it shall be the duty of the clerk of the district court to enter the judgment of revival upon the lien docket, as in other cases, and the same shall thereafter be a lien, which shall extend to all the real property of the judgment debtor, owned by him at the time of docketing the judgment of revival, or which he may afterwards acquire until the lien expires.

SEC. 4. This act shall take effect from the time of its passage.

Passed January 27, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to Provide for taking the Sense of the People for or against the formation of a State Government.

- SEC. 1. Poll to be opened on first Monday of June, for reception of votes for or against convention and election of delegates to form Constitution.
2. If majority of votes cast are against convention, then election of delegates of no effect.
3. Duty of county auditors and judges of elections.
4. Votes for and against convention, to be taken and certified in same manner as vote for delegate to congress.
5. Duty of Secretary in regard to said vote.
6. Election of delegates to be conducted, &c., in same manner as election for members of the Assembly.
7. Apportionment of delegates.
8. Submission of Constitution to vote of the people; how such election conducted.
9. Compensation of delegates.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That a poll shall be opened at the annual election to be held on the first Monday of June next, for the reception of votes for or against a Convention; also, for the election of delegates to form a constitution for a State government, as hereinafter provided.

SEC. 2. Provided in case a majority of the legal votes of the Territory are cast against convention, then and in that case the election of delegates shall be considered informal and of no effect.

SEC. 3. It shall be the duty of the auditor of each county to prepare on the poll-books for each precinct in their county two columns, one headed for convention and one headed against convention, and it shall be the duty of the judges of election for the several precincts to ask each and every voter who shall offer his vote, "Are you in favor of or against Convention?" and according to their answer the vote shall be recorded by the clerks on the poll-books.

SEC. 4. The votes for or against convention shall be taken certified, and canvassed in the same manner and under like regulations as by law is provided for the vote for delegate to congress.

SEC. 5. That it shall be the duty of the Secretary of the Territory on or before the second Monday in July, to make out an abstract of the votes for or against convention, together with a certificate of the final result of the whole vote cast, and cause the same to be pub-

lished in the several newspapers of the Territory. And if, by such abstract and certificate, published as aforesaid, it shall appear that a majority of all the votes cast shall be in favor of convention, then and in that case it shall be the duty of the delegates elected to meet at the seat of government on the third Monday in August next, and proceed to the formation of a State constitution.

SEC. 6. That the election of delegates to the convention shall be conducted, held, canvassed, and certified in the same manner and under like regulations as elections for members of the Legislative Assembly.

SEC. 7. Each county shall be entitled to elect the following number of delegates, to-wit: Clatsop, one, (1) Columbia, one, (1) Wasco, one, (1) Washington, three, (3) Multnomah, three, (3) Washington and Multnomah, one jointly, (1) Clackamas, five, (5) Yamhill, four, (4) Marion, seven, (7) Linn, six, (6) Lane, six (6) Umpqua two, (2) Douglas, four, (4) Coos, one, (1) Curry one, (1) Josephine, two, (2) Jackson, four, (4) Benton, four, (4) Polk, three, (3) Polk and Tillamook, jointly, one, (1.)

SEC. 8. That the constitution herein provided for before taking effect, shall be submitted for adoption or rejection, to a vote of the qualified voters within the boundaries of the proposed State. Such vote to be taken in like manner and in conformity to the laws of this Territory regulating elections at such time as said convention may designate.

SEC. 9. The delegates to said convention shall be allowed such compensation as shall be hereafter appropriated by congress for such payment.

SEC. 10. This act to take effect from and after its passage.

Passed December 12, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to amend "An act to Regulate the Treasury Department."

- SEC. 1. Treasurer to pay warrants of auditor, when presented, if there be money for that purpose; and note on warrant the date of payment and his name; if no funds, he shall endorse on warrants, "Not paid for want of funds," and date of presentment over his signature; warrant thereafter to draw legal interest; when interest to cease.
2. When treasurer redeems warrants on interest, to note on warrant amount of interest paid and enter same in his account, distinct from the principal.
3. Warrants to be redeemed by treasurer according to priority.
4. Treasurer to execute bond to Governor.
5. Auditor to receive \$500 salary.
6. Acts repealed.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the territorial treasurer shall pay all territorial warrants of the territorial auditor, when presented, if there be money in the treasury for that purpose, and write on the face of such warrant, the date of redemption, and his signature. If there be no funds to pay such warrant when presented, he shall endorse thereon, 'Not paid, for want of funds;' and the date of such presentment over his signature, and such warrant shall thenceforth draw legal interest; *provided*, that such interest shall cease from the date of notice, by publication in the territorial newspaper, to be given by the territorial treasurer, that there are funds to redeem such outstanding warrants; which notice such treasurer shall give in such case.

SEC. 2. When the territorial treasurer shall redeem any warrant on which interest was due, he shall note on such warrant the amount of interest by him paid thereon, and shall enter on his account the amount of such interest, distinct from the principal.

SEC. 3. All territorial warrants shall be redeemed by the treasurer according to their priority of the time of presentment.

SEC. 4. The treasurer shall immediately after his appointment, execute and deliver to the Governor a bond to the Territory in the sum of fifty thousand dollars, with not less than seven sureties to be approved of by the Governor, conditioned to the faithful performance of all the duties required, or which may be required of him by law.

SEC. 5. The territorial auditor shall receive an annual salary of

five hundred dollars, to be audited by the territorial treasurer, and paid by him out of any money in the treasury not otherwise appropriated.

SEC. 6. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 7. This act to take effect from and after its passage.

Passed December 11, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to amend an act entitled "An act to Provide to taking an Enumeration of the inhabitants of Oregon."

SEC. 1. Repeal of certain sections of act of January 30, 1854; duty of county auditors and secretary of Territory, in regard to census returns.

2. Duty of assessors to take full enumeration of inhabitants; compensation therefor.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That sections four (4) and five (5) of an act entitled "An act to provide for taking an enumeration of the inhabitants of Oregon," passed Jan. 30, 1854, be and the same are hereby repealed and the following is and shall be substituted in lieu thereof, to-wit:*

SEC. 4. And it shall be the duty of the auditors of the several counties to transmit certified copies of said returns to the Secretary of the Territory, within one month after the receipt of the same; who shall publish the same without delay, and he shall place the same on file in his office, and shall thereupon so soon as the time for making such returns by such auditors to said Secretary, as provided by law, shall have expired, prepare an abstract of such census returns, and cause the same to be published one week in some newspaper printed in this Territory.

SEC. 5. And be it further provided, that if the assessor or asses-

sors of any county in this Territory, have time to take a full and complete enumeration of the inhabitants of his or their counties, according to the provisions of this act, previous to the time required by law for the return of his or their assessment roll; then and in that case he shall make said enumeration return on or before the first Monday in Nov., in each year; for which services said assessor or assessors shall be allowed only the sum of three dollars per day for each additional day he or they shall be employed in taking such enumeration after he or they shall have completed the assessment of said county.

SEC. 6. This act to take effect from and after its passage.

Passed January 22, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to Provide for Building Bridges.

- SEC. 1. County commissioners authorized to apply unappropriated moneys to building of bridges.
2. County commissioners, before making such application of moneys, must receive petition and private subscription.
3. May exercise discretion in repairing bridges.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the county commissioners of the several counties in this Territory be, and they are hereby authorized to apply in their discretion, any moneys in the county treasury, not otherwise appropriated, towards defraying the expenses of the building bridges on any and all county and territorial roads, lying within and running through or across their respective counties; *provided,* that the amount so applied shall in no case exceed one-third the actual cost of such bridge or bridges.

SEC. 2. Before the board of county commissioners of any county shall apply any funds, as provided for in the foregoing section, they must have received a petition signed by at least twelve resident house-

holders of such county, praying such application for the object contemplated in this act; and also that said number of resident householders must first have exhibited to said commissioners a private subscription for the building of any bridge equal in amount to at least of two-thirds the same.

SEC. 3. A like discretion shall be exercised by all such commissioners in the repairing of all bridges upon county and territorial roads.

SEC. 4. This act shall take effect from the time of its passage.
Passed January 10, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to prevent Frauds in the Transfer of Claims against the Territory and the United States.

SEC. 1. Penalty for second assignment or collection of any claim, demand, or scrip previously assigned.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That if any person or persons having any claim or demand upon the Territory of Oregon, or upon the United States, for service rendered or property furnished, or any certificate of discharge or other scrip, whatever may be the consideration therefor, and shall for a consideration execute a power of attorney, give an order or other authority to any other person for receiving payment of any such claim or demand, or any part or share thereof, with the intent of transferring his or their interest therein, or if he or they shall sell or assign any such claim, demand, certificate, or other scrip, and shall thereafter demand and receive from the proper disbursing officer payment therefor, or any part thereof, or shall execute any subsequent power of attorney, order, or other authority, or make any subsequent sale or assignment whereby any person or persons, other than the original agent or assignee, for a consideration, shall*

receive payment of any such claim or demand, certificate or other scrip, such person or persons, on conviction, shall be punished by imprisonment in the penitentiary not exceeding three years nor less than six months, and be fined in any sum not exceeding double the amount of such claim, demand, certificate or scrip.

SEC. 2. This act shall take effect from the time of its passage.

Passed January 28, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT for the Prevention of and punishment for enticement and harboring of Seamen from ships, vessels and steamers.

SEC. 1. Penalty for enticing away seamen or persuading them to desert.

2. Penalty for harboring or secreting seamen, &c.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That if any person or persons shall entice, persuade, or by any means attempt to persuade any seamen to desert, or without permission from the officer then in command, to leave any ship, vessel, or steamer within the waters of this Territory, such person or persons shall, upon conviction thereof, before any justice of the peace, city recorder, or any other officer of competent jurisdiction, be punished by imprisonment in the county jail for a period not less than sixty nor more than one hundred days, and by a fine not less than fifty nor more than one hundred dollars.

SEC. 2. That if any person or persons shall knowingly, and with manifest intention to deprive the owner or master of any ship or vessel of the services of any seamen, harbor or secrete, or by any means aid to harbor or secrete any such seamen mentioned in this act, every such person or persons, on conviction thereof, before any justice of the peace, city recorder, or other competent officer of like jurisdiction [shall] be punished by imprisonment in the county jail, not less

than sixty nor more than one hundred days, and by a fine not less than fifty nor more than one hundred dollars.

SEC. 3. This act shall take effect from the time of its passage.

Passed January 22, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to Provide for a Penalty where County Auditors neglect the Duties imposed upon them by law, and to declare the duty of the Territorial Auditor in all cases of delinquency.

SEC. 1. Penalty for refusing or neglecting to forward assessment roll, as required by law.

2. Duty of territorial auditor to prosecute delinquent county auditors.

3. Repeal of conflicting acts.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That whenever any county auditor in any county of this Territory, who is now, or may hereafter be required by any statute of this Territory, to transmit to the office of the territorial auditor, a certified copy of the assessment rolls of such county within sixty days after the approval of the same by the board of county commissioners, or any other period which is now, or may hereafter be fixed by law, shall fail, neglect, or refuse so to transmit such assessment rolls, he, or they so failing, neglecting, or refusing, shall be fined, for the use of the Territory, in any sum not less than fifty nor more than one thousand dollars, at the discretion of the court.

SEC. 2. That it is hereby made the duty of the territorial auditor to institute suit, in the name and on behalf of the Territory against any and all delinquent county auditors or treasurers, whenever such delinquencies are known to exist.

SEC. 3. That all acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 4. This act to take effect from and after its passage.
Passed January 15, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAS. K. KELLY,
President of the Council.

AN ACT to extend the time for opening roads.

- SEC. 1. If part of road opened and worked, not liable to be vacated in less than six years from time of location.
2. If no part of road opened and worked, considered vacated at expiration of four years.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That all territorial and county roads that have been located in this Territory in accordance with the provisions of law, and a part or portion of such road or roads within any county shall have been opened and worked, such roads in such counties shall not be liable to be vacated (on account of not being opened) in less than six years from the time of their location.

SEC. 2. That whenever any road shall have been located, as aforesaid, and no part thereof shall have been opened or worked within four years from the time of its location, such road shall be considered vacated.

SEC. 3. Such parts of all acts as conflict with the provisions of this act, are hereby repealed.

SEC. 4. This act shall take effect from the time of its passage.
Passed January 15, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAS. K. KELLY,
President of the Council.

AN ACT to amend an act entitled "An act to organize the Militia."

SEC. 1. Members of certain religious denominations exempt from military duty in time of peace.

2. Such persons required to perform labor on roads in lieu of military service.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That all citizens of this Territory subject to bear arms under the existing law, being members of any religious denomination conscientiously opposed to bearing arms, are hereby declared exempt from military duty or enrollment in time of peace.

SEC. 2. In lieu of ordinary muster service or drill, required by said "Act to organize the militia," citizens of such religious denominations mentioned in section first of this act, claiming exemption therefrom, shall be required to perform labor on the highways in the road district in which they may reside, the same number of days annually as they shall be exempted from such military duty.

SEC. 3. This act shall take effect from the time of its passage.

Passed December 17, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to amend an act relating to Roads and Ferries.

SEC. 1. County commissioners authorized to establish, &c., rates of ferriage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That the county commissioners of the several counties be, and the same are hereby authorized to fix, alter, and establish, from time to time, the rates of ferriage to be levied and collected at all ferries now established or hereafter to be established by law, within or bordering upon the county lines of any of the counties in this Territory.

SEC. 2. All acts and parts of acts inconsistent with this act be and are hereby repealed.

SEC. 3. This act shall take effect from the time of its passage.

Passed January 7, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to amend an act entitled "An act relating to parents and children, guardians and wards, and to masters, apprentices and servants."

SEC. 1. Nearest relative to be appointed guardian, if of good moral character and competent.

2. Repeal of inconsistent acts.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That whenever it becomes the duty of the judge of probate to appoint a guardian for a minor, the relations of such minor, whether male or female, upon application to the proper judge of probate, shall in all cases be appointed, (the nearest relative having precedence,) *provided,* said applicant shall be of good moral character, and be otherwise competent to discharge the duties of guardian to such ward.

SEC. 2. All acts and parts of acts inconsistent with this act be and are hereby repealed.

SEC. 3. This act to take effect from and after its passage.

Passed January 20, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to amend an act entitled "An act relating to Common Schools and School Lands."

- SEC. 1. All school district to be formed of contiguous territory.
 2. If public good requires it, district may be formed of adjacent Territory lying in two counties.
 3. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That all school districts formed by the superintendent of common schools, shall be formed of contiguous territory.*

SEC. 2. Where the public good requires it, a school district may be formed of adjacent territory lying in two or more counties; and it shall be the duty of the clerk of such district to report annually to each superintendent having jurisdiction; and said clerk shall include in such report the number of scholars residing in each county; and said clerk shall be entitled to draw for the benefit of his district, that portion of the public school fund due said district from each county.

SEC. 3. All acts and parts of acts inconsistent with this act be and are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

Passed January 17, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to appoint the times for holding the Supreme Court.

- SEC. 1. Time of holding supreme court.
 2. Repeal of certain laws.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That a supreme court shall be held at the seat of government on Thursday, the sixth day of August, 1857, and on the first Monday of August annually thereafter.*

SEC. 2. All laws heretofore in force appointing terms of the supreme court, are hereby repealed.

SEC. 3. This act shall take effect from the time of its passage.
Passed December 18, 1856.

L. F. GROVER,
Speaker of the House of Representatives.

JAS. K. KELLY,
President of the Council.

AN ACT to repeal a part of an act entitled "An act to amend an act entitled an act relating to estrays, or property lost or unclaimed."

- SEC. 1. Repeal of act repealing a previous act.
2. Revival of previous act.
3. Printer allowed one dollar for notice two weeks.
4. Printer to send copy of paper to auditor of each county, who shall keep file of same.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That so much of an act entitled "An act to amend an act relating to estrays or to property lost or unclaimed as repeals a part of an act relating to estrays or to property lost or unclaimed," is hereby repealed.*

SEC. 2. That so much of an act relating to estrays or to property lost or unclaimed, as is repealed by said act, is hereby revived.

SEC. 3. The territorial printer shall be allowed one dollar for publishing notice of each estray two weeks.

SEC. 4. It shall be the duty of the publisher of the said territorial newspaper to forward one copy of each and every edition of said paper containing an estray notice or notices to the auditor of each and every county in the Territory and it shall be and hereby is the duty of said auditors to file and keep in their respective offices the aforesaid copies of said newspapers for the inspection of the public.

SEC. 5. This act shall take effect from and after its passage.
Passed January 28, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAS. K. KELLY,
President of the Council.

*AN ACT to amend act relating to Marks and Brands and to
Weights and Measures.*

SEC. 1. Amendment of act of December 12, 1854.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That section four of an act entitled "An act relating to marks and brands, and to weights and measures," passed December 12, 1854, be so amended as to include apples and pears, and each bushel thereof shall contain forty-five pounds.*

SEC. 2. This act shall take effect from the time of its passage.
Passed January 28, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAS. K. KELLY,
President of the Council.

AN ACT supplemental to an act entitled "An act relating to Marriage and Divorce."

SEC. 1. Fees allowed for solemnizing marriage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That any and all persons authorized by the "Act relating to marriage and divorce," to which this is supplemental, to solemnize marriage, be and they are hereby entitled to the same fees as are allowed to justices of the peace for like services.*

SEC. 2. This act to take effect from and after its passage.
Passed January 24, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAS. K. KELLY,
President of the Council.

AN ACT to repeal an act entitled "An act to provide for auditing claims against the Territory growing out of the existing Indian War."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the act entitled "An act to provide for auditing claims against the Territory, growing out of the existing Indian war," passed January 30, 1856, is hereby repealed.*

SEC. 2. *This act shall take effect from the time of its passage.*
Passed January 26, 1857.

L. F. GROVER,
Speaker of the House of Representatives.
JAS. K. KELLY,
President of the Council.

ERRATTA.

On page 29, first line, between the words "have" and "time," insert "not."

SPECIAL LAWS.

AN ACT to Incorporate Dalles City.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That Dalles City shall be bounded as follows: Beginning in the middle of the Columbia river, due north, to the northern terminus of the east line made by the United States, as a military reserve line; thence south, to and with said military reserve line, to where the same is intersected by the donation claim line of W. D. Biglow; thence north-easterly with said donation claim line, to its terminus at the north-west corner of Wm. C. Laughlin's land claim; thence east with said Wm. C. Laughlin's land claim line, forty rods due north, to the middle of the Columbia river; thence with and in the said Columbia river, to the place of beginning.

SEC. 2. The inhabitants of said city, within the limits as above described shall be and they are hereby constituted a body politic and corporate in fact and in law, by the name and style of "Dalles City," and by that name they and their successors shall be known in law; and have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts and all actions whatsoever; may purchase, hold, and receive property, real and personal within said city for public buildings, school purposes, and city improvements; may lease, sell, and dispose of the same, for the benefit of the city; may purchase, receive, and hold property both real and personal, within and beyond the limits of the city, to be used for burial and educational purposes, and may lease, sell, and dispose of the same for the benefit of the city, and they may have and use a common seal, alter and break the same and make a new one at their pleasure.

SEC. 3. The government of said city shall be vested in a board of trustees, consisting of five members who shall be known and designated as the "Trustees of Dalles City," three of whom shall be necessary to transact business ; a recorder, a marshal, and a treasurer, all of whom shall be qualified electors in this Territory, and residents in the corporate limits of said city sixty days next preceding any election at which they can be eligible to any of the said offices.

SEC. 4. It shall be the duty of the trustees, as above provided for, to devise and adopt such measures, regulations, and ordinances, connected with the police, security, tranquility, cleanliness, and improvements of said city ; and also, to regulate the finances and public expenditures, as they shall, from time to time, deem expedient in accordance with this act and the laws of this Territory and the laws of the United States.

SEC. 5. The recorder shall have all the power and jurisdiction of a justice of the peace in all civil and criminal matters ; and in all proceedings, whether civil or criminal, shall be governed by the laws regulating justices of the peace in this Territory ; he shall also have original jurisdiction over all violations of city ordinances, and may examine, hold to bail, fine, or commit persons found guilty thereof ; he shall also perform the duties of clerk to the board of city trustees.

SEC. 6. It shall be the duty of the marshal, in addition to the duties prescribed to him by the board of trustees, to execute and return all processes issued and directed to him by the recorder or by any legal authority ; he shall attend on the recorder's court and the meetings of the board of trustees, when required so to do by them ; he shall arrest, on complaint or otherwise, all persons guilty of a breach of the peace, or of a violation of the city ordinances, and bring them before the recorder for trial, and be a conservator of the peace generally.

SEC. 7. It shall be the duty of the treasurer to collect and receive all moneys that shall come or be due due to said city, whether by taxation or otherwise, and to pay out the same, as provided for by the order of the board of trustees, and to do and perform all such other acts and duties as shall be prescribed by the board ; he shall, on the written request of the trustees, make and deliver a full statement in writing, of the receipts and expenditures ; and shall, at the end of each year, make a final settlement with the trustees, and de

liver to his successor, all moneys in his hands, together with all books and papers belonging to the city ; and shall be required to enter into an undertaking with sureties, and in such sum as the board of trustees shall direct, to the effect that he will safely keep and faithfully disburse all money, and deliver to his successor in office the books and papers belonging to the said city.

ARTICLE II.

SECTION 1. A general election of all the officers provided for in this act, shall be held on the first Tuesday of April of each year.

SEC. 2. It shall be the duty of the board of trustees to order all elections, to designate the place of holding the same, to give at least ten day's notice thereof and appoint judges of election. The elections shall be conducted in all other respects, according to the election laws now in force in this Territory ; *provided*, the returns thereof shall be made to the board of trustees, who shall examine the same and give certificates of election to the person having a plurality of votes ; *provided, also*, that the first election under this act shall be held at such time and place as the county auditor of Wasco county shall direct, after ten days' notice thereof, and within thirty days after this act of incorporation shall have been accepted and adopted by a majority of the legal voters of Dalles City, and all vacancies occurring in the city offices herein provided for, shall be filled by election especially called for that purpose.

SEC. 3. The several officers herein provided for, shall, within ten days, each and severally take and subscribe an oath, before some person authorized to administer the same, that they will discharge their respective duties, to the best of their abilities and according to law, as such city officer.

SEC. 4. The trustees shall assemble within five days after their qualification, and choose a, presiding officer from their number, who shall be designated as the president of the board, in all the proceedings of the board of trustees. In case of the absence of the president at the meetings of the board, they may elect a president *pro tem.*, who shall perform the duties of president for the time ; the board shall fix the time and place of holding their stated meetings, and may be convened at any time by the president ; and they shall judge of the qualification and election returns of their own members

and other officers elected under this act, and determine rules for their own proceeding, and shall keep a journal thereof.

SEC. 5. All demands and accounts against the city, shall be audited by the trustees, and if justly due, shall be paid by the treasurer, on the warrant of the president of the board, attested by the clerk.

SEC. 6. The style of city ordinances shall be as follows: "The people of Dalles City, do ordain as follows:"

SEC. 7. The board of trustees shall have power within the limits of said city—

1. To make by-laws and ordinances not conflicting with the laws of this Territory or of the laws of the United States.

2. To levy and collect taxes not to exceed one mill per cent. per annum, upon all property made taxable by law for county and territorial purposes.

3. To license, tax, and regulate, auctioneers, hawkers, peddlers, brokers, pawn-brokers, and money-changers.

4. To license, tax, and regulate theatrical and other public exhibitions, shows, and bar-rooms, groceries, and all gaming and gambling houses, billiard tables, bowling alleys, and suppress houses of ill-fame; *provided, also*, that no party paying a license to the city authorities shall be required to pay a license to the county or Territory for the same business.

5. To provide for the collection and disbursing all moneys to which the city may become entitled by law or by donation, or which may be assessed and authorized to be collected for city purposes within the corporate limits of said city.

6. And to do and perform all other duties necessary for the good government, prosperity, and safety of said city, not contrary to the laws, as herein provided.

ARTICLE III.

SECTION 1. The board of trustees shall receive no fees, salaries, or other emoluments for their services.

SEC. 2. The recorder shall receive the same fees as justices of the peace are entitled to receive for services of a similar nature.

SEC. 3. The marshal shall receive the same fees for his services as constables are now allowed by law for similar services.

SEC. 4. The other officers provided for in this act, or which may be appointed in pursuance thereof, shall receive such per centage, fees or compensation for their services, as may be established by ordinance.

SEC. 5. The officers elected under this act shall hold their offices for one year, and until their successors are elected and qualified; the term of office to commence ten days after the annual election; *provided*, that persons elected to fill vacancies shall hold out the unexpired term of the office to which they shall be elected and until their successors are qualified.

SEC. 6. This act of incorporation shall be submitted to the electors of Dalles City, as herein defined, at an election to be called for accepting or rejecting the same; and if a majority of the voters shall declare in favor of accepting, then it shall become a law and be in force, and not otherwise.

SEC. 7. The county auditor of Wasco county, shall appoint and give notice of the time and place for voting on the acceptance or rejection of this act; and he shall also appoint inspectors for said election, who shall be qualified, and who shall canvass the vote, and make returns to the said auditor, who shall, thereupon, declare the result.

SEC. 8. The Legislative Assembly of this Territory may at any time, alter, amend, or repeal this act.

SEC. 9. All laws heretofore passed and now in force in this Territory, in anywise conflicting with the provisions of this act, so far as they may conflict, are hereby repealed.

Passed House January 23, 1857.

Passed Council January 26, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to amend an act entitled "An act to incorporate the Tualatin River Transportation and Navigation Company."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That said act be so amended as to allow and authorize said company to impose a tax of not exceeding more than five cents per mile, on each wagon and team passing over their plank road, in addition to the tax, as provided for in said act, of five cents per mile, per ton ship measurement.

SEC. 2. This act shall take effect from the time of its passage.

Passed House January 14, 1857.

Passed Council January 16, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT for the relief of Wilie Chapman.

WHEREAS, by the report of a joint committee of the Territorial Assembly, to whom was referred the claims of contractors for the erection of public buildings at the seat of government of the Territory, (made January 24th, 1855,) there was found due to Wilie Chapman, contractor for performing the lathing and plastering the sum of \$2,234 57, and there has been allowed by the accounting officer of the treasury department at Washington, from the fund appropriated by congress for such work, only the sum of \$984 57; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That the territorial treasurer be and he is hereby authorized and directed to pay to said Wilie Chapman, the sum of twelve hundred and fifty dollars, (\$1,250 00,) out of any money in the treasury not otherwise appropriated.

SEC. 2. This act to take effect from and after its passage.

Passed House January 21, 1857.

Passed Council January 23, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT declaring the Santiam River a Public Highway.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the main channel of the Santiam river and the North Fork, it being the principal tributary of the aforesaid river shall be, and the same is hereby declared a public highway.*

SEC. 2. This act to take effect from and after its passage.

Passed House January 24, 1857.

Passed Council January 27, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to locate and establish a Territorial Road from Roseburg, in Douglas County, to Coos Bay, in Coos County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That H. G. Saunders, John J. Hill, Samuel S. Halpaine, Daniel Cailend, and Henry Taffuron, be and are hereby appointed a board of commissioners to locate and establish a territorial road, commencing at Roseburg, in Douglas county, and running thence, on the best and most practicable route, to such a point upon the navigable waters of Coos Bay, as*

shall be deemed by a majority of said commissioners to be most conducive to the public interests, and most eligible for such purpose.

SEC. 2. The commissioners, or a majority of them, shall meet at the town of Roseburg, so called, on the first Monday in April next, or as soon thereafter as a majority of them may agree, and by calling to their assistance not more than two other persons ; and all having been duly sworn to discharge their respective duties to the best of their abilities, shall proceed to locate, survey, and mark said road, by taking the bearings, and noting the same, by blazing trees in the timber, and by driving stakes in the prairies, setting permanent stakes at the end of each mile, bearing the number of miles progressively, and shall make a plat of the same for the distance said road is laid in each county ; and as soon as practicable, deliver said plats to the county auditors, to which they respectively belong ; *provided*, that if neither of the said commissioners shall undertake to perform the duties of surveyor, a majority of them may employ some suitable person for that purpose.

SEC. 3. Said commissioners, surveyor, and other persons employed, as above, shall receive each the sum of three dollars per day for each and every day they may be necessarily employed in locating and establishing said road, to be paid equally by the counties through which the road passes, viz: Coos to pay one-half of the expense and Douglas the other.

SEC. 4. Said road to be opened and kept in repair as other territorial roads.

SEC. 5. This act shall take effect from the time of its passage.

Passed House January 24, 1857.

Passed Council January 26, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS: K. KELLY,

President of the Council.

AN ACT to Incorporate the Cascade Road and Bridge Company.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That J. S. Ruckle, Harrison Olmstead, and John L. Henderson, and such other persons as may become associated with them by subscribing to the capital stock of said company, be and they are hereby constituted and declared a body politic and corporate, by the name and style of "The Cascade Road and Bridge Company," for the purpose of constructing a wagon road and building a bridge across Eagle Creek, in the counties of Multnomah and Wasco. Said road to commence at the present terminus of the wagon road, round the Cascade falls, and at the present residence of the said J. S. Ruckle, and continue the same down the Columbia river, at the base of Tooth Rock, to the lower steamboat landing, and to the lower end of the Cascade rapids; and for such purpose the said company is hereby authorized and empowered to have and receive, purchase, and possess, enjoy, and retain land and rents, goods, and chattels and effects of any kind and to any amount, (within the capital stock as limited by this act,) necessary to carry into effect the objects of this corporation, and the same to use, aliene, and dispose of at pleasure; to sue and be sued, defend and be defended, in all courts having competent jurisdiction, to have and use a common seal, the same to break, alter, or amend at pleasure, to ordain and establish such rules and regulations and by-laws as may be necessary for the well being of said corporation, subject, however, to the laws that may be in force in this Territory and the limitations contained in this act.

SEC. 2. The capital stock of said company may be twenty thousand dollars, divided into shares of one hundred dollars each transferrable in entire shares, in such manner as the rules of the corporation shall prescribe; *provided*, that no stockholder shall, without the consent of the company, be at liberty to transfer his stock after any installment shall be ordered, until such stockholder shall have paid the amount due on his stock.

SEC. 3. The persons named in the first section of this act or either of them, shall be commissioners to receive subscriptions and perform all necessary acts to organize said company, and they are

hereby authorized and empowered to cause books to be opened at such time and place as they shall think proper to receive subscription to the capital stock of said company.

SEC. 4. The affairs of said company shall be governed by three directors, any two of whom shall be a quorum to do business, and who shall be elected on the first Monday in April of each year, and shall hold their office until their successors are elected and qualified, and each director shall be a stockholder at the time of his election or appointment, and shall cease to be a director when he shall cease to be a stockholder, and the stockholders shall have power to fill all vacancies in their board that may happen by death or otherwise.

SEC. 5. The directors before entering upon their duties shall take and subscribe an oath or affirmation, faithfully and impartially to discharge their duties; they shall choose a president and treasurer from among their number, and they may appoint such other agents as they shall think proper and needful for promoting said undertaking to make contracts and do all things necessary to carry them into immediate effect, and allow them such compensation for their services as they may agree upon; and they may determine the amount of security each or any of their officers may be required to give and pass upon their sufficiency, prescribe the amount of any installment to be paid upon subscriptions and mode and manner of insuring payment of subscriptions and the general charge and supervision of the affairs of said company.

SEC. 6. It shall be lawful for said company to enter upon and take possession of any lands, roads, streets, or alleys necessary for the location and construction of said road and bridge, and the necessary appurtenances and appendages thereto, doing no unnecessary damages; and if it shall be necessary for the construction or location of said road and bridge, and if said corporation shall not be able to obtain such land or materials necessary for such purpose, by an agreement with the owner thereof, they shall pay therefor such damages as may be estimated by the county commissioners of the county wherein damages are claimed by proof made by any person claiming such damages or by the corporation.

SEC. 7. Whenever such bridge, together with the road to said bridge, shall be so completed as shall secure a good and safe passage from its commencement to its terminus, as prescribed in the first sec-

tion of this act, for all kinds of travel, including heavy teams and wagons with their goods or animals of every kind, the company shall have power to erect a gate thereon, and ordain and establish a rate of tolls for passing over said bridge and appoint a collector who shall collect the same from all and every person or persons passing thereon with their goods, wagons, carriages, or animals of every kind; *provided, however*, the following shall be the maximum of said tolls, viz:

For each man and horse,	- - - - -	\$ 50
For each pack animal and pack,	- - - - -	50
For each cart, chaise, or gig, with two wheels, sleigh or sled, drawn by one horse,	- - - - -	75
For the same drawn by two horses or oxen,	- - - - -	1 00
For each four-wheeled wagon, carriage, or buggy, with one horse,	- - - - -	1 00
For each, with two horses or oxen,	- - - - -	1 25
For each carriage, coach, or vehicle for the conveyance of persons or goods, with four horses,	- - - - -	2 00
For each horse, mule, or ass, or neat cattle driven over same,	- - - - -	25
For each sheep or hog,	- - - - -	10

SEC. 8. That if any person or persons shall intentionally drive any animal or animals, team or teams attached to any vehicle or otherwise across said bridge, at a faster rate than shall be prescribed by the by-laws of said corporation, or shall intentionally injure said road or bridge, the person so offending shall be liable to double the amount of damages so done, said damages to be ascertained before any court having competent jurisdiction upon proper proof being made thereof.

SEC. 9. That within two years after the passage of this act said bridge, together with the road, shall be erected and substantially constructed, so as to bear with safety, any person, vehicle, or animal mentioned in this act, otherwise this act in every part thereof, shall be of no validity or effect.

SEC. 10. At any time after eight years from the time toll may be first collected on said bridge, the county commissioners of Multnomah and Wasco counties may alter and regulate the rates of toll on said bridge and at the end of ten years, the said commissioners or proper authorities of said Multnomah and Wasco counties, shall have

a right to purchase and manage said bridge in such manner as provided by law.

SEC. 11. Said corporation shall erect and keep to view in some conspicuous place, near the gate of said bridge, a sign board, with all the rates of toll fairly or legibly written or printed in letters of a large size ; and unless said corporation shall so erect and keep such sign board, they shall not be entitled to demand any toll for crossing said bridge ; *and provided, also*, the said corporation shall be required to keep in good repair the road and bridge so constructed, otherwise they shall not be entitled to tolls.

SEC. 12. Said company shall be subjected to the provisions of any general law which now is or may hereafter be enacted regulating the mode of taxation and the capital stock of said company shall be subject to such tax as may now or hereafter be provided by law.

SEC. 13. This act shall take effect from and after its passage.

Passed Council January 26, 1857.

Passed House January 27, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to grant Catharine Harris a Divorce.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That the bonds of matrimony heretofore existing between Catharine Harris and Abraham Harris, be and they are hereby dissolved, and the said Catharine Harris is hereby divorced from all obligations of the marriage contract, and that she may assume her maiden name.

SEC. 2. This act shall take effect from the time of its passage.

Passed January 23, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to authorize Campbell E. Cristman and Lucinda Cristman to make a marriage settlement of their property.

WHEREAS, Campbell E. Cristman and Lucinda Cristman, his wife, late Lucinda McGill, of Lane county, before their marriage, entered into a contract with each other, in regard to their property owned by them respectively at that time, but which contract was void because not reduced to writing; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That said Campbell E. Cristman and Lucinda Cristman, are hereby authorized and empowered to reduce the said contract to writing in like manner as the same might have been done and with the like effect as if it had been properly executed before marriage, but this act shall not be so construed as to affect the existing rights of any person or persons, who are now creditors of the said Campbell E. Cristman.

SEC. 2. This act shall take effect from the time of its passage.

Passed Council January 12, 1857.

Passed House January 15, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to Incorporate the Board of Trustees of the Methodist Episcopal Church at Fairfield.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That S. R. Oglesby, J. C. Peebles, William Millsops, Asa Sanders, and D. T. Suvell, and their associates and successors are hereby declared to be a body corporate and politic, in law, by the name and style of "The board of Trustees of the Methodist Episcopal Church at Fairfield."

SEC. 2. Said corporation shall have perpetual succession and shall have power to acquire, receive, and possess by donation, gift or purchase, and retain or dispose of property, real, personal, and mixed; *provided*, that no part of the funds shall ever be used for other uses than that of the Methodist Episcopal Church at Fairfield.

SEC. 3.. The board of trustees shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of justice, both in law and in equity; they may make, for their use, a common seal, and they shall have power to form and adopt a constitution and by-laws for their government; also, to make and to carry into effect all necessary regulations for the management of the fiscal concerns of said church entrusted to their care.

SEC. 4. Said board of trustees shall meet at least once in each year, and a majority of the board shall form a quorum for the transaction of business, and all vacancies in the board by reason of removal, death, resignation, or otherwise, shall be filled by the remaining portion of the board, at any regular meeting, by nomination of the preacher in charge of the circuit within the bounds of which the church this church is located; and in all respects the board of trustees shall conform to the rules and regulations of the discipline of the Methodist Episcopal Church, so far as the same may apply.

SEC. 5. All deeds and other instruments of conveyance shall be made by order of the board of trustees, sealed with the seal of the board, signed by the president and by him acknowledged in his official capacity.

SEC. 6. This act shall take effect from the time of its passage.

Passed Council January 24, 1857.

Passed House January 27, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to repeal an act entitled "An act to incorporate the Polk and Marion County Free Ferry Company."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That an act entitled "An act to incorporate the Polk and Marion county Free Ferry Company," passed January 29, 1856, be and the same is hereby repealed.*

SEC. 2. This act shall take effect from the time of its passage.

Passed House January 10, 1857.

Passed Council January 24, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to define the Boundary Line between Yamhill and Washington Counties.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the boundaries of Yamhill and Washington counties shall be as follows: Beginning at the center of the main channel of the Willamette river at its intersection with the meridian line, thence north to the north-east corner of section (13) thirteen, township (3) three, south, range one (1) west; thence, two (2) miles west, one mile north, (1) one mile west, (1) one mile north, (2) two miles west, (1) one mile south, (3) three miles west, (1) one mile north, (3) three miles west, (1) one mile north, (1) one mile west, (1) one mile north, (1) one mile west, (1) one mile north; thence west, on the section line, to center of Wapato Lake; thence, down the center of said lake, to its intersection with town line, being the south line of town (1) one south; thence west, on the town line, to the summit of the Coast mountains.*

SEC. 2: All acts and parts of acts inconsistent with this act be and are hereby repealed.

SEC. 3. This act shall take effect from the time of its passage.

Passed House January 19, 1857.

Passed Council January 22, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to amend "An to incorporate Oregon City, in Clackamas County."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That section ten of said act be and is hereby stricken out and the following inserted to stand as section, to-wit: The city council within the city, shall have power to remove nuisances, to license, tax, and regulate auctioneers, brokers, pawn-brokers, money changers, and exchange brokers, to license and regulate porters and fix the rate of portage, to license, tax, regulate, and restrain theatricals and other exhibitions, shows and amusements; to license, tax, restrain, prohibit, and suppress billiard tables, gaming and gambling houses, and to suppress bawdy houses, to license, tax, and regulate hackney carriages, wagons, carts, drays, omnibuses, and wharf boats, and fix the rate to be charged for the carriage of persons, and the wagonage, cartage, drayage, and storage of property; to establish and regulate a police and night watch, to regulate and prescribe the manner of building partition walls and fences, to construct, improve, and regulate wharves and public landings, and to do all things which a city corporation can, to secure the health, peace, and interest of the citizens of said corporation and to preserve good order within the same.

SEC. 2. That section eleven of said act be and is hereby amended by striking out the words "one-fourth," and inserting "one-half," in the place thereof.

SEC. 3. That section twelve of said act, be and is hereby amended, by striking out all that part of section, between the words

'within the limits of said corporation,' and the words, "and the duplicates."

SEC. 4. That section fifteen of said act be and is hereby amended by striking out the same and inserting the following, to stand in lieu thereof, to-wit: The mayor and recorder of said corporation shall be conservators of the peace throughout said corporation, and are authorized to do and perform within said corporation, all things which, by the laws of this Territory, a justice of the peace may do and perform within the county for which he is elected; and said mayor and recorder shall do and perform all the duties required of them and the by-laws and ordinances of said corporation; and appeals may be taken from the decisions of said mayor and recorder, and writs of *certiorari* allowed to revise, reverse, or correct the proceedings and judgments in the same manner as is provided by the laws of this Territory touching proceedings before justices of the peace.

SEC. 5. That section sixteen of said act be and is hereby amended by inserting the word "recorder" after the word "mayor," where the same occurs in said section.

SEC. 6. That section eighteen of said act, be stricken out and the following inserted in the place thereof, to-wit: The mayor and recorder shall receive the same fees for their services that justices of the peace are or may be entitled to by law for similar services, and the recorder shall receive such further fees or compensation as may be provided by the by-laws or ordinances of said corporation.

SEC. 7. That section twenty-one of said act, be and is hereby amended by adding at the end of said section, as follows: And for the purpose of supplying the corporation with water for the extinguishment of fires and other purposes, and for the making of such other improvements as the wants of the city may demand, the city council authorized and proceeding as aforesaid, shall have power to levy and collect special taxes sufficient for such purpose.

SEC. 8. That section thirty three of said act, be and is hereby amended by inserting the word "recorder" after the word "mayor," wherever the same occurs in said section.

SEC. 9. This act to take effect from and after its passage.

Passed Council January 14, 1857.

Passed House January 22, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

*AN ACT to Incorporate the Subordinate Divisions of the Sons of
Temperance of the Territory of Oregon.*

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That all such persons as are or may hereafter become, and shall remain members of any subordinate Division of the Sons of Temperance of the Territory or State of Oregon, as may be located in and under the jurisdiction of the Grand Division of the Sons of Temperance of the Territory of Oregon, from and after the passage of this act, shall be and are hereby created a body corporate and politic, by the name and style of ——— Division of the Sons of Temperance of the Territory of Oregon; and by that name they and their successors in office, shall have the succession, and shall in law be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of law and equity whatsoever, and by ——— name and style, be capable of purchasing and receiving, by gift or otherwise, of holding and conveying real estate for the benefit of said ——— Division of the Sons of Temperance; *provided*, that said ——— corporate Division shall not at any time hold property to an amount exceeding fifty thousand dollars.

SEC. 2. For the purpose of carrying into effect the provisions of this act, each subordinate division wishing to become incorporated under this act, shall elect three trustees, who shall hold in trust the property of said ——— Division, until their successors in office shall have been elected and qualified.

SEC. 3. The said corporation shall have power to make such by-

laws and regulations as may be deemed necessary for the government of their concerns, and for the purchase and transfer of real estate.

SEC. 4. A certificate under the seal of said corporation, that the said ——— Division has been duly organized and recorded in the office of the county auditor of the county in which said ——— Division may be located, shall be evidence of the existence and organization of said ——— Division.

SEC. 5. This act shall take effect from the time of its passage.

Passed House January 20, 1857.

Passed Council January 21, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to declare the Military Road from Scottsburg to Myrtle Creek, a Territorial Road.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the military road from Scottsburg, in Umpqua county, to Myrtle creek, in Douglas, be and the same is hereby declared a territorial road.*

SEC. 2. This act to take effect from and after its passage.

Passed House January 20, 1857.

Passed Council January 22, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to Revive an act entitled "An act to locate and establish a Territorial Road from the mouth of Sandy River, in Multnomah County, to the Dalles, in Wasco County."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That an act entitled "An act to locate and establish a territorial road from the mouth of Sandy river in Multnomah county, to the Dalles, in Wasco county," passed by the Legislative Assembly of the Territory of Oregon, the 24th day of January, A. D., 1856, be and the same is hereby revived and to be in force until the first day of January, A. D., 1858.*

SEC. 2. *This act to take effect from and after its passage.*

Passed House January 13, 1857.

Passed Council January 15, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to change the Name of Wm. Wilson.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the name of Wm. Wilson, late of Business Corner, State of Iowa, and now of Starr's Point, in the county of Benton, in this Territory, be and the same is hereby changed from Wm. Wilson, to that of Wm. Y. Wilson.*

SEC. 2. *This act shall take effect from the time of its passage.*

Passed House January 13, 1857.

Passed Council January 15, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to locate a Territorial Road from Linn City, in Clackamas county, to Hillsborough, in Washington county.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That R. C. Crawford, John Trullinger, and Solomon Richardson, be and they are hereby appointed commissioners, to view and locate a territorial road from Linn City, in Clackamas county to Hillsborough, in Washington county.*

SEC. 2. Said commissioners or a majority of them shall meet at Linn City, on the first Monday in May next, or as soon thereafter as they may agree upon, and after being duly sworn to faithfully perform their duties as such viewers, shall proceed to locate said road as follows: Commencing at the ferry landing, at Linn City, Clackamas county; thence, on the most practicable route, to J. M. Moore's mill, on Tualatin river; thence, to Trullinger's and Brown's mill; thence, on the nearest and best route to Hillsborough, in Washington county.

SEC. 3. Said commissioners shall receive for their services, two dollars per day, for each day's service necessarily employed in locating said road, to be paid out of the treasury of the proper county or counties.

SEC. 4. This act shall take effect from and after its passage.

Passed January 20, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to revive an act entitled "An act for the Relief of Clackamas, Washington, Columbia, Linn, Multnomah, and Yamhill Counties."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the act of which this is amendatory, be*

and the same is hereby revived and extended, with all its provisions and benefits, in behalf of the counties therein named, which have failed hitherto to draw from the territorial treasury, certain moneys named in said act, three months from and after the passage of this act.

SEC. 2. This act shall take effect from the time of its passage.

Passed Council January 12, 1857.

Passed House January 15, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to Incorporate the City of Salem.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the inhabitants of Salem, and their successors within the following limits, are hereby declared a body politic and corporate, by the name and style of the "City of Salem."

SEC. 2. The limits of said city shall be as follows: Commencing in the middle of the main channel of the Willamette river, at the south-west corner of the late Wm. H. Willson's claim, then east, following the southern boundary, to the south-east corner of said claim, then north, on a straight line, to where it intersects the southern boundary of State street, then on an extension of said boundary to the middle of Mill creek, then down the middle of said creek, to the eastern side of a bridge, near the residence of J. L. Parrish, then on a direct line north, to a point on an extension of the northern boundary of Division street, in north Salem, then west, along said line, to the middle of the main channel of the Willamette river, then south, along said main channel, to the place of beginning. And said city shall be divided into three wards, as follows: All lying south of a line running to said eastern and western boundaries, through the middle of State street, shall be the first ward, and all between said line, and a similar one through Division street, in South Salem, the second ward, all north of the last mentioned line, the third ward.

SEC. 3. Said city shall have power to purchase, use, lease, sell, or dispose of property, real and personal; to make contracts, to sue and be sued, to have and use a common seal, and the same to change at pleasure.

SEC. 4. The officers of said city shall be a mayor, six aldermen, two of whom shall be elected in each of said wards; a recorder, who shall be *ex-officio* clerk of the common council and assessor; a marshal, who shall be *ex-officio* collector of taxes, and a treasurer, who shall hold their offices until their successors are elected and qualified.

SEC. 5. Said officers shall be elected annually by the qualified electors of said city, voting in the wards where they reside, on the second Monday in February, 1857, and afterwards, on the first Monday of January of each year; and the first election therefor shall be as follows: The clerk or deputy clerk of the district court in said city, shall post in some public place, in each ward, at least one week before the election, a notice designating the place where said election will be held in such ward, and thereafter, and before the election, shall appoint some person in each ward to receive the votes at the place designated; and the persons so appointed, shall receive the votes as aforesaid, and within five days thereafter, shall make return of the said votes to the said clerk or deputy; and he shall forthwith canvass the same; and to the persons respectively having the highest number of votes for mayor, recorder, marshal, and treasurer, he shall give certificates of election; and to the two persons in each ward having the highest number of votes for aldermen, he shall give certificates of their election as aldermen of such ward.

SEC. 6. The mayor and aldermen shall compose the common council of said city, and at any meeting shall have exclusive power—

To provide for the election and qualification of officers, and for filling all vacancies in office.

To fix the times and places of their meetings, but they shall meet as often as once a month.

To levy and collect taxes for city purposes, not to exceed one-half of one per cent. per annum, on property in said city taxable for county purposes.

To establish hospitals.

To prevent and remove nuisances:

To provide water for the city.

To license, tax, and regulate auctioneers, taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money-changers, and also, hackney carriages, wagons, carts, drays, and omnibuses, and to fix the rates of conveying persons or property thereon.

To license, tax, regulate, or prohibit bar-rooms, tippling-houses, billiard tables, theatricals, and other exhibitions, shows, and amusements; and also, to prohibit bawdy houses, gaming and gambling houses.

To establish and regulate market houses and places.

To establish fire companies and to provide for the prevention and extinguishment of fires.

To establish and regulate a police and night-watch.

To establish and regulate a work-house, or house of correction.

To provide for the construction, clearing, and repair of side and cross-walks, adjacent to lots, by the holders thereof; and also, for making, clearing, and improving gutters.

To grade, pave, plank, or otherwise improve, clear, and keep in repair, streets, alleys, and side-walks.

To erect, regulate, and repair public wharves, docks, and bridges, and regulate the erection and repairs of private wharves, and fix the rates of wharfage thereof.

To regulate the storage of gun-powder and other combustible materials, and the use of candles, lamps, and other lights in shops, stables and other places, to prevent, remove, or secure any fire-place, stove, or other apparatus, which may be dangerous in causing fires.

To regulate and prescribe the manner of building partition walls and fences.

To prevent or regulate the running at large of animals and the discharge of fire-arms in said city.

To license and regulate porters and fix the rate of portorage.

To appropriate for any item of city expenditure, and to provide for the payment of the debts and expenses of the city.

To appoint a city attorney and prescribe his duties.

To change the wards and make new ones and change the number of the aldermen, as the interests of the city may require.

To provide for measuring and weighing hay and wood and other commodities bought and sold in said city.

To provide for the removal of standing water and unwholesome and

offensive substances, and to prevent streams from overflowing their banks.

To make by-laws and ordinances not inconsistent with the laws of the United States or the Territory ; to carry into effect the provisions of this charter, and secure the health, peace, and improvement of said city, and to provide for the punishment of the violation of city ordinances by fine or imprisonment ; but no fine shall exceed one hundred dollars, or imprisonment more than twenty days.

And shall have power to prevent the introduction of diseases into the city.

To prevent and restrain any riot, noise, disturbance, or disorderly assemblage in any street, house, or place in the city.

To provide for the prevention and removal of obstructions in the Willamette river, within the limits of said city:

SEC. 7. The mayor shall have power to call meetings of the common council, and shall preside at their meetings, and when there is a tie in the council, shall vote ; and shall at least once in each year state to said council, the condition, financial and otherwise, of the city, and recommend such measures for the peace, health, improvement and prosperity of the city, as he shall deem expedient.

SEC. 8. The recorder shall have jurisdiction over all violations of city ordinances ; and may hold to bail, fine, or commit persons found guilty thereof ; and within the city shall have jurisdiction and powers like a justice of the peace ; and the law governing justices of the peace, shall apply as far as practicable to all his proceedings ; his duties as assessor and clerk, shall be as prescribed by the common council ; he shall preside in the absence of the mayor, and shall keep a journal of the proceedings of the council.

SEC. 9. The marshal shall execute all process directed to him by the recorder, or any legal authority ; shall be conservator of the peace, and shall arrest all persons guilty of a breach thereof, or of the violation of a city ordinance, and take them before the recorder for trial ; and may, as collector, enforce the collection of city taxes, as the collection of county taxes are enforced, and shall perform such other duties as may be required of him by the common council.

SEC. 10. The treasurer shall receive and keep the funds and moneys of the city, and pay out the same as hereinafter specified ; and

when required by the common council, shall make a statement of the financial affairs of the city.

SEC. 11. The mayor and alderman shall receive no pay for their services, and the compensation of other officers shall be as provided by the common council.

SEC. 12. No claim against the city, shall be paid until it is audited and allowed by the common council, and then the treasurer shall pay it upon a warrant drawn upon him by the recorder.

SEC. 13. No member of the common council shall, during the period for which he is elected, be interested in any contract, the expenses of which are to be paid out of the city treasury.

SEC. 14. Within five days from the enactment of any ordinance, a copy thereof shall be posted at some public place in each ward; and no ordinance shall take effect in less than five days from its passage.

SEC. 15. A majority of the aldermen, with the presiding officer, at any meeting, shall constitute a quorum to do business, and all their meetings shall be public; and at least once a year they shall cause a statement of the financial affairs of the city to be published.

SEC. 16. The legislature shall have the right to repeal or alter this charter.

SEC. 17. This act shall take effect from the time of its passage.

Passed House January 10, 1857.

Passed Council January 13, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to Incorporate the Eugene City Bridge Company.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That W. M. Stevens, Mahlon H. Harlow, Thos. N. Awbrey, Paul Bratton, and A. W. Patterson and such other persons as may become associated with them by subscription to*

the capital stock of said company, be and they are hereby constituted and declared a body corporate, by the name and style of the "Eugene City Bridge Company," for the purpose of constructing a bridge across the Willamette, in Lane county, at or near the ferry at Eugene City; and for such, the company is hereby authorized and empowered to have and receive, purchase and possess, enjoy and retain lands and rents, goods and chattels and effects of any kind and to any amount, within the capital stock of said company, as limited by this act, necessary to carry into effect the objects of this corporation and the same use, aliene, sell, and dispose of at pleasure, to sue and be sued, defend and be defended, in all courts having competent jurisdiction, to have and use a common seal, the same to break, alter, or amend at pleasure; to ordain and establish such rules, regulations and by-laws as may be necessary for the well being of said corporation, subject, however, to the constitution of the United States, the laws of congress, and of this Territory, restrictions and limitations contained in this act.

SEC. 2. The capital stock of said company may be twelve thousand dollars, divided into shares of one hundred dollars each, transferrable in entire shares, in such manner as the rules of the corporation may hereafter prescribe; *provided*, that no stockholder shall, without the consent of the directors, be at liberty to transfer his stock after any installment shall be ordered until such stockholder shall have paid the money due on his stock.

SEC. 3. The persons named in the first section of this act or either of them, shall be commissioners to receive subscriptions and perform all necessary acts to organize said company; and they are hereby authorized and empowered to cause books to be opened at such time and such places as they may think proper, to receive subscriptions to the capital stock of said company.

SEC. 4. That when fifty shares shall have been subscribed, the commissioners shall call a meeting of the subscribers, by causing notices of the time and place thereof, to be posted up in at least three public places in the county of Lane, not less than twenty days previous to the time of meeting, and at such time and place those present shall proceed to the election of directors, who shall serve until the first annual election, and until their successors are chosen and qualified and adopt such by-laws and regulations for the government of the

corporation, as by them may [be] deemed expedient; the stockholders to vote either in person or by proxy, each stockholder being entitled to one vote for each share of stock he may have in said company.

SEC. 5. The affairs of said company shall be governed by three directors, or a majority of them, who shall be elected on the first Monday in March, each year, and hold their office until their successors are elected and qualified; and each director shall be a stockholder at the time of his election, and shall cease to be a director when he shall cease to be a stockholder, and the directors shall have power to fill vacancies in their board, that may happen from death or otherwise.

SEC. 6. The directors, before meeting upon their duties, shall take an oath or affirmation, faithfully and impartially to discharge their duties; they shall choose a president and treasurer from among their number, and they shall appoint such other officers and agents as they may think proper and needful for promoting said undertaking, to make contracts, and do all things necessary to carry into immediate effect, and allow them such compensation for their services as they may agree upon; they shall determine the amount of lands or other securities, they may exact from any of their officers or other persons and pass upon their sufficiency, prescribe the amount of any installment, to be paid upon subscription, and the mode and manner of insuring payment of subscriptions, and take the general charge and supervision of the affairs of said company.

SEC. 7. It shall be lawful for said directors, to enter upon and take possession of any lands, roads, streets, or alleys necessary for the location or construction of said bridge, and necessary appurtenances and appendages thereto, doing no unnecessary damage; and if it shall be necessary for the location or construction of said bridge; and if said corporation shall not be able, such land or materials necessary for such purpose, by an agreement with the owner thereof, they shall pay therefor, such damages as may be assessed by the county commissioners of said county, upon proof made by such person or corporation.

SEC. 8. Whenever such bridge shall be completed, the president and directors shall have power to erect a gate thereon, and ordain and establish a rate of tolls for passing over said bridge, and appoint a col-

lector, who shall collect the same from all and every person or persons passing thereon, with the goods, carriages, or animals of every kind; *provided, however,* the following shall be maximum of said tolls :

For each foot passenger,	- - - - -	\$ 5
For each man and horse,	- - - - -	15
For each pack animal and pack,	- - - - -	10
For each cart, chaise, or gig, with the wheels or other two-wheeled carriage, sleigh, or sled, drawn by one horse,	- - - - -	50
For the same drawn by two horses or oxen,	- - - - -	60
For each four-wheeled wagon, carriage, or buggy, with one horse,	- - - - -	60
For the same drawn by two horses or oxen,	- - - - -	75
For additional horse or ox,	- - - - -	10
For each pleasure carriage, coach, or vehicle for the conveyance of persons, with four horses,	- - - - -	1 00
For each horse, mule, or ass, or neat cattle driven over the same,	- - - - -	10
For each sheep or hog,	- - - - -	5

SEC. 9. That if any person or persons shall intentionally drive any animal or animals, team or teams, attached to any vehicle or vehicles, or otherwise, across said bridge at a faster rate than shall be prescribed by the by-laws of said corporation, the person so offending shall, on conviction thereof, before any justice of the peace, or in any district court in any county in this Territory, be fined in any sum not exceeding ten dollars.

SEC. 10. That if any person or persons shall willfully commit any injury upon said bridge, by any means or in any manner whatever, the person or persons so offending shall, upon conviction thereof, in any district court of this Territory, be fined in any sum not exceeding five hundred dollars, for the use of the proper county, and shall also be liable to said corporation, in double the amount of damages sustained.

SEC. 11. That within two years after the passage of this act, said bridge shall be erected and substantially constructed, so as to bear with safety any person, vehicle, or animal in this act mentioned, otherwise, this act in every part thereof, to be of no validity or effect.

SEC. 12. That as soon as said bridge shall be constructed as aforesaid, and tolls collected thereon, the president of said company shall, under oath, list the capital stock and other property of said company for taxation, as personal property is then listed for taxation by law.

SEC. 13. At any time after ten years from the time tolls may be first collected on said bridge, the Legislative Assembly may change the rates of toll on said bridge, and the county commissioners or proper authorities of Lane county, shall have a right at the expiration of two years, to purchase and manage said bridge in such manner as may be provided by law.

SEC. 14. Said corporation shall erect and keep exposed to view, in some conspicuous place near the gate of said bridge, a sign board with all the rates of toll fairly and legibly written or printed in letters of a large size, and unless said corporation shall so erect and keep such sign board, they shall not be entitled to demand any toll for crossing said bridge.

SEC. 15. Whenever any person liable to the payment of toll on such bridge, shall sustain any injury by reason of said bridge being insufficient or out of repair, said corporation shall be answerable to the person injured; *provided*, said injury did not arise from unavoidable accident.

SEC. 16. Said company shall be subject to the provisions of any general law, which now is or may hereafter be enacted regulating the mode of taxation; and the capital stock of said company shall be subject to such tax as may now or hereafter be provided by law.

SEC. 17. This act shall take effect from the time of its passage.

Passed Council January 17, 1857.

Passed House January 23, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT for the Relief of certain Creditors of the Territory.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the territorial auditor be and he hereby is authorized and required to audit and allow, and the territorial treasurer to pay out of any moneys in the territorial treasury not otherwise appropriated, to Asahel Bush, for publishing in the Oregon Statesman, census returns, election notices, and abstract of election returns, the sum of two hundred and sixty-seven dollars; and also, to the publishers of the Oregon Weekly Times, the sum of one hundred and sixteen dollars, for similar services; and the further sum of ninety-five dollars, to B. F. Bonham, for moneys advanced by him in payment of rent, furniture, and fuel, for territorial auditor's office.

SEC. 2. This act shall take effect from and after its passage.

Passed House January 13, 1857.

Passed Council January 15, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to Re-locate a part of the Territorial Road leading from Oregon City to Pleasant Hill.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That B. A. Leonard, E. F. Colby, and R. C. Geer, be and they are hereby appointed a board of commissioners to relocate that portion of the territorial road leading from Oregon City to Pleasant Hill, which lies between Drift Creek and the southern boundary of township No. 7, south range one (1) west, in Marion county.

SEC. 2. Said commissioners shall procure the services of some

competent person to act as surveyor, and shall proceed on the first Monday in March, 1857, or as soon thereafter as they may agree upon to re-locate and survey said road, near or upon the route now traveled and used as such road.

SEC. 3. That within thirty days after the view and survey, said commissioners shall file a report, together with a plat of the survey, with the clerk of the board of county commissioners, and from and after the filing of such report, the route designated in such re-survey, shall be and hereby is established, a part of said territorial road, and the portion of said road lying between said points and now known as the territorial road, shall, from and after the establishment of said reviewed portion of the road be vacated.

SEC. 4. Said commissioners and surveyor shall each receive the sum of one dollar per day, for each day necessarily employed in the relocation and survey of said road, to be paid out of the county treasury of Marion county.

SEC. 5. This act shall take effect from the time of its passage.

Passed Council January 22, 1857.

Passed House January 27, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to locate a Territorial Road from Estes', in Umpqua county, to intersect the Territorial Road from Spores' Ferry to Winchester, at Cammas Swale, in Douglas county.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That Newton E. Mulvaney, John Long, and Nathan W. Allen, are hereby appointed a board of commissioners to view and locate a territorial road, beginning at the southern terminus of the territorial road from Corvallis to Estes', to intersect the territorial road from Spores' ferry, to Winchester, at the most practicable point in Cammas Swale, Douglas county.*

SEC. 2. Said commissioners or a majority of them, may meet on the fifth day of April, 1857, or any other day that they may agree upon, and after being qualified according to the road laws now in force, shall proceed to locate, survey, and mark said road, as hereinafter provided.

SEC. 3. In order to secure permanence in said road, and economy in its construction, it shall be the duty of the said commissioners to locate the same, on the most suitable ground least to the damage of individuals along the route, crossing Pass Creek and Elk Creek, on the bridges erected across said streams by the Quarter-master General of Oregon, in the spring of 1856, thence passing near the residence of Wm. S. Rice, and crossing the Calapooia Creek, at or near Reason Reed's, in Douglas county.

SEC. 4. It shall be the duty of said commissioners to plainly mark the route of said road by marking trees where said road passes through timber, and by stakes firmly driven in the ground in the prairies through which said road shall pass. It shall also be the duty of said commissioners to employ a competent surveyor, who shall survey and plainly mark each mile consecutive so surveyed, from the commencement to the terminus of said road.

SEC. 5. Said commissioners shall receive two dollars per day necessarily employed in locating said road, and the surveyor four dollars per day, necessarily employed in surveying said road.

SEC. 6. This act to take effect from and after its passage.

• Passed House January 19, 1857.

Passed Council January 22, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to Incorporate the Town of Corvallis.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the inhabitants of Corvallis, and their successors within the limits of the said town, and its additions as it ap-*

pears and is recorded in the recorder's office for the county of Benton, and residing upon lands adjoining the said town, owned by T. H. Pearne, are hereby declared a body corporate and politic, by the name and style of the "City of Corvallis."

SEC. 2. The limits of said city shall be as indicated in the first section of this act, and shall extend on the east to the middle of the main channel of the Willamette river, and said city shall be divided into three wards, by the city council, at their first meeting.

SEC. 3. Said city shall have power to purchase, use, lease, sell, or dispose of property, real and personal; to make contracts, to sue and be sued, to have and use a common seal, and the same to change at pleasure.

SEC. 4. The officers of said city shall be a mayor, six aldermen, two of whom shall be elected in each of said wards; a recorder, who shall be *ex-officio* clerk of the common council and assessor; a marshal, who shall be *ex-officio* collector of taxes, and a treasurer, who shall hold their offices until their successors are elected and qualified.

SEC. 5. Said officers shall be elected annually by the qualified electors of said city, voting in the wards where they reside, on the second Monday of May, 1857, and afterwards, on the first Monday of January of each year; and the first election therefor shall be as follows: The clerk or deputy clerk of the district court in said city, shall post in three public place, in said town, at least one week before the election, a notice designating the place where said election will be held in said town, and thereafter, and before the election, shall appoint some person in each ward to receive the votes at the place designated; and the persons so appointed, shall receive the votes as aforesaid, and within five days thereafter, shall make return of the said votes to the said clerk or deputy; and he shall forthwith canvass the same; and to the persons respectively having the highest number of votes for mayor, recorder, marshal, and treasurer, he shall give certificates of election; and to the two persons in each ward having the highest number of votes for aldermen, he shall give certificates of their election as aldermen of such ward.

SEC. 6. The mayor and aldermen shall compose the common council of said city, and at any meeting shall have exclusive power—

To provide for the election and qualification of officers, and for filling vacancies in office.

To fix the times and places of their meetings, but they shall meet as often as once a month.

To levy and collect taxes for city purposes, not to exceed one-fourth of one per cent. per annum, on all property in said city taxable for county purposes.

To establish hospitals.

To prevent and remove nuisances.

To provide water for the city.

To license, tax, and regulate auctioneers, taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money-changers, and also, hackney carriages, wagons, carts, drays, and omnibuses, and to fix the rates of carrying persons or property thereon.

To license, tax, regulate, or prohibit bar-rooms, tippling-houses, billiard tables, theatricals, and other exhibitions, shows, and amusements; and also, to prohibit bawdy houses, gaming and gambling houses.

To establish fire companies and to provide for the prevention and extinguishment of fires.

To establish and regulate a police and night-watch.

To establish and regulate a work-house, or house of correction.

To provide for the construction, clearing, and repair of side and cross-walks, adjacent to lots, by the holders thereof; and also, for making, clearing, and improving gutters.

To grade, pave, plank, or otherwise improve, clear, and keep in repair, streets, alleys, and side-walks.

To erect, regulate, and repair public wharves and docks, and regulate the erection and repairs of private wharves, and fix the rates of wharfage thereof.

To regulate the storage of gun-powder and other combustible materials, and the use of candles, lamps, and other lights in shops, stables and other places, to prevent, remove, or secure any fire-place, stove, or other apparatus, which may be dangerous in causing fires.

To regulate and prescribe the manner of building partition walls and fences.

To prevent or regulate the running at large of animals and the discharge of fire-arms in said city.

To license and regulate porters and fix the rate of portage.

To appropriate for any item of city expenditure, and to provide for

the payment of the debts and expenses of the city ; *provided*, that the council shall not create a city debt greater than the estimated revenue for one year.

To appoint a city attorney and prescribe his duties.

To change the wards and make new ones and change the number of the aldermen, as the interests of the city may require.

To provide for measuring and weighing hay and wood and other commodities bought and sold in said city.

To provide for the removal of standing water and unwholsome and offensive substances, and to prevent streams from overflowing their banks.

To make by-laws and ordinances not inconsistent with the laws of the United States or the Territory ; to carry into effect the provisions of this charter, and secure the health, peace, and improvement of said city, and to provide for the punishment of the violation of city ordinances by fine or imprisonment ; but no fine shall exceed one hundred dollars, or imprisonment more than twenty days.

And shall have power to prevent the introduction of diseases into the city.

To prevent and restrain any riot, noise, disturbance, or disorderly assemblage in any street, house, or place in the city.

To provide for the prevention and removal of obstructions in the Willamette river, within the limits of said city:

SEC. 7. The mayor shall have power to call meetings of the common council, and shall preside at their meetings, and when there is a tie in the council, shall vote ; and shall at least once in each year state to said council, the condition, financial and otherwise, of the city, and recommend such measures for the peace, health, improvement and prosperity of the city, as he shall deem expedient.

SEC. 8. The recorder shall have jurisdiction over all violations of city ordinances ; and may hold to bail, fine, or commit persons found guilty thereof ; and within the city shall have jurisdiction and powers like a justice of the peace ; and the law governing justices of the peace, shall apply as far as practicable to all his proceedings ; his duties as assessor and clerk, shall be as prescribed by the common council ; he shall preside in the absence of the mayor, and shall keep a journal of the proceedings of the council.

SEC. 9. The marshal shall execute all process directed to him by

the recorder, or any legal authority; shall be conservator of the peace, and shall arrest all persons guilty of a breach thereof, or of the violation of a city ordinance, and take them before the recorder for trial; and may, as collector, enforce the collection of city taxes, as the collection of county taxes are enforced, and shall perform such other duties as may be required of him by the common council.

SEC. 10. The treasurer shall receive and keep the funds and moneys of the city, and pay out the same as hereinafter specified; and when required by the common council, shall make a statement of the financial affairs of the city.

SEC. 11. The mayor and alderman shall receive no pay for their services, and the compensation of other officers shall be as provided by the common council.

SEC. 12. No claim against the city, shall be paid until it is audited and allowed by the common council, and then the treasurer shall pay it upon a warrant drawn upon him by the recorder.

SEC. 13. No member of the common council shall, during the period for which he is elected, be interested in any contract, the expenses of which are to be paid out of the city treasury.

SEC. 14. Within five days from the enactment of any ordinance, a copy thereof shall be posted at some public place in each ward; and no ordinance shall take effect in less than five days from its passage.

SEC. 15. A majority of the aldermen, with the presiding officer, at any meeting, shall constitute a quorum to do business, and all their meetings shall be public; and at least once a year they shall cause a statement of the financial affairs of the city to be published.

SEC. 16. The legislature shall have the right to repeal or alter this charter.

SEC. 17. This act shall take effect from the time of its passage.

Passed House January 27, 1857.

Passed Council January 28, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to change a Territorial Road in Polk County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That B. F. Burch, be and the same is hereby permitted to re-locate a part of the territorial road from Doak's ferry to Corvallis, commencing at the North end of B. F. Burch's land claim, thence south to the line between H. P. Locke and B. F. Burch, thence on a straight line south, intersecting the territorial road at or near the crossing of Luckiamute.

SEC. 2. The petitioners shall, at their own expense, open and complete said road in as good condition as the territorial road is that is hereby proposed to be vacated; and the supervisor of the road district through which such road shall pass, is hereby authorized after the completion of the same, to proceed to and examine the same, and if in his opinion, such road is completed according to the provisions of this act, he shall accept the same, and thereby that part of the old road affected by this act, is hereby vacated; *provided, however*, if damages shall be claimed and assessed against the county of Polk, for the right of way for a greater amount than the county commissioners of said county, shall deem expedient to pay, such road shall not be opened.

SEC. 3. This act shall take effect from the time of its passage.

Passed House January 17, 1857.

Passed Council January 20, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to locate a Territorial Road from Salem to Portland.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That Israel Mitchel be and is hereby ap-

pointed commissioner and surveyor to locate a territorial road in conformity with the provisions of the second section of this act.

SEC. 2. Said commissioners shall proceed on the second Tuesday in March, or as soon thereafter as practicable, with chain-bearers and marker, to view and survey a territorial road, beginning at a point on the Salem and Oregon City territorial road, at or near White's mill, in Marion county, thence on the most practicable route, by way of Boon's ferry, on the Willamette river, Galbraith's ferry, on the Tualatin river, to intersect the Portland and Corvallis territorial road.

SEC. 3. Said commissioners shall receive for viewing and surveying, five dollars per day, and chain-bearers and marker, each three dollars per day, for each day necessarily employed upon said road, to be paid out of the county treasury of each county through which said road is located, in proportion to the amount of service rendered.

SEC. 4. This act to take effect from and after its passage.

Passed House January 15, 1857.

Passed Council January 16, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate the Oregon Woolen Manufacturing Company.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That Martin L. Barber, David Stump, Isaac Smith, Wm. Burns, S. J. Gardner, and Aaron Chamberlain, and their associates and successors are hereby declared a body corporate and politic, by the name and style of the Oregon Woolen Manufacturing Company," for the purpose of erecting and building a woolen manufactory at the Eagle Mills, on the North Luckiamute, in Polk county, Oregon Territory.*

SEC. 2. Said corporation shall have power to purchase, receive, and possess lands, goods, chattels, and effects of every kind, the same to use and dispose of at pleasure; to contract and be contracted with, to sue and be sued, to have a common seal and the same to use and change at pleasure, and to ordain and establish such by-laws and regulations as it may deem expedient for its own government and the efficient management of its affairs, consistent with the constitution and laws of the United States and the laws of this Territory.

SEC. 3. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars, transferrable under the regulations and the by-laws of said corporation.

SEC. 4. Said corporation shall receive, possess, and enjoy all the property, interests and rights of said joint stock company, and shall hold and have, and may enforce by legal remedies, all claims and obligations due or to become to said company, shall be payable to and collectable by said corporation shall be subject to all claims and liabilities existing or that may hereafter legally exist against said company.

SEC. 5. That each stockholder shall be liable for the debts of said corporation to an amount not exceeding the stock subscribed or held by him.

SEC. 6. Said company shall have one year from the passage of this act, to commence the aforesaid work, and two years from the commencement to complete the same, and in no case of the failure of said company to make such beginning and completion of said work, then and in case of such failure this act to be of no effect.

SEC. 7. This act shall take effect from the time of its passage.

Passed Council January 24, 1857.

Passed House January 27, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate the Portland and Dayton Plankroad Company.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That* Stephen Coffin, James Terwilliger, Thos. Stephens, David Graham, Chris. C. Miller, M. R. Barnum, Jno. A. Taylor, T. E. Northrup, David Ramsay, Charles Talmage, and their associates and successors are hereby created and declared a body corporate and politic, by the name and style of the "Portland and Dayton Plankroad Company," for the construction of a plankroad from such point in the city of Portland, to such point in or near the town of Dayton, Yamhill county, as the directors of said company, when elected, shall deem most expedient or eligible; and for this purpose, the said company is hereby authorized and empowered to purchase, accept, have, and hold lands, goods, chattels, and effects of any kind, to any amount necessary to carry into effect the objects of said corporation, not exceeding the capital stock of said company; and the same to use and dispose of at pleasure; to sue and be sued, to defend and be defended, in any court having jurisdiction; to have a common seal and the same to use and change at pleasure, and to ordain and establish such by-laws and regulations as said company may deem necessary and expedient for its well being, not inconsistent with the constitution and laws of the United States and the laws of this Territory.

SEC. 2. The capital stock of said company shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars each, transferrable as the by-laws may provide.

SEC. 3. Any two or more of the persons named in the first section of this act, shall be commissioners to receive subscriptions and to perform all necessary acts for the organization of said company; and they may require such an installment to be paid at the time of subscription, as they may think expedient; and when one hundred shares of said capital stock shall have been subscribed, the said commissioners may call a meeting of such subscribers, by giving notice to each, of at least ten days before said meeting; at which meeting, said stockholders may elect three or more directors and any other officer or officers, and adopt such by-laws, rules and regulations, and do such other business as they may deem expedient.

SEC. 4. It shall be lawful for the directors of said company to enter upon and take possession of any streets and alleys, county and territorial roads, together with all lands and convenient appurtenances and appendages thereunto, doing no unnecessary damage; and if the directors shall not be able to obtain the land, &c., necessary for such purposes, by agreement with the owner thereof, they shall pay therefor such damages as may be assessed by a jury of six electors, impaneled by a justice of the peace in the vicinity, but either party shall be at liberty to appeal from the verdict of said jury to the district court within such time and in such manner as is allowed in appeals from judgments of justices of the peace in civil cases.

SEC. 5. The affairs of said company shall be governed by the directors thereof, who, after the first election, shall be elected on the first Tuesday in March, annually, or as soon thereafter as convenient and they shall hold their offices until their successors are duly elected and qualified; and each director shall be a stockholder, and shall cease to be a director when he ceases to be a stockholder. The directors shall have power to fill all vacancies that may occur in their own body during the intervals between elections.

SEC. 6. Said company shall have power to construct said road of plank, extending not less than eight (8) feet in width across any part which may be adopted of the track; said plank to be not less than two and a-half inches in thickness.

SEC. 7. Whenever it becomes necessary in the course of constructing said road, to cross any navigable stream, and said stream cannot be bridged at the point of crossing, without seriously obstructing the navigation thereof, then it shall be the duty of the county commissioners having jurisdiction, to establish a ferry at such point, (if one has not been already established,) under the provisions and in accordance with "An act relating to roads and ferries," and the ferryage for crossing shall not be included in the toll upon said plank road.

SEC. 8. Said company shall have power to place one-half toll gate upon said road, as soon as five miles thereof shall have been completed, and to increase the number of said half-toll gates as fast as said road shall be further completed, adding one for every five miles; *provided*, that no more than two half or one full toll gates shall be placed on every ten miles of said road; said half toll gates

five miles apart, or if full toll gates, ten miles apart; and the directors of said company shall have power to regulate and fix the rates of toll chargeable at each gate; *provided*, the following shall be the maximum toll for each full gate:

For each horse, or mule, and rider, twenty-five cents.

For each additional horse, mule, or ass, ten cents.

For each one-horse-wagon, buggy, gig, or other carriage, fifty cents.

For each wagon or other carriage drawn by one span of horses or mules, or one yoke of oxen, one dollar.

For each additional span of horses or yoke of oxen, fifty cents.

For each head of loose cattle, ten cents.

For each hog, sheep, or goat led or driven, five cents.

SEC. 9. This act shall take effect from the time of its passage.

Passed House January 14, 1857.

Passed Council January 17, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to locate a Territorial Road from Salem to Doak's Ferry in Marion County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That I. N. Gilbert, Aaron Purdy, and John M. Harrison, are hereby appointed commissioners to locate a territorial road from Salem to Doak's Ferry, in Marion county.*

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of Aaron Purdy, on the first Monday of March next, or at some time thereafter as soon as practicable, as said commissioners may agree, and shall proceed according to law to locate said road.

SEC. 3. Said commissioners shall locate said road on the most direct and suitable route which can be obtained at the least expense

to Marion county, and shall receive such compensation as the commissioners of said county shall allow, not exceeding three dollars each per day, for the time actually employed in locating said road.

SEC. 4. That if damages are assessed in consequence of the location of this road, the county commissioners of Marion county shall have discretionary power, either to allow such damages, and order the payment from the county treasury, or if, in their opinion, the wants and necessities of the traveling community would not warrant the payment of such damages, they may refuse to authorize the payment of the same; and in that event, the location of this road shall be void.

SEC. 5. This act shall take effect and be in force from and after its passage.

Passed House January 26, 1857.

Passed Council January 27, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to establish the Umpqua Academy.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That there shall be established at Wilbur, in the county of Douglas, an institution of learning to be called "The Umpqua Academy," and that James H. Wilbur, James O. Rayner, Hon. M. P. Deady, Addison R. Flint, Benjamin J. Grubbe, Willis Jenkins, Flemming R. Hill, John Kuy Kendall, and William Royal, and their associates and successors, are hereby declared to be a body corporate and politic in law, by the name and style of "The Trustees of the Umpqua Academy."

SEC. 2. Said corporation shall have perpetual succession, and shall have power to acquire, receive and possess, by donation, gift,

or purchase, and retain and hold property, real, personal and mixed, and the same to sell, grant, convey, rent, or otherwise dispose of at pleasure; *provided*, that no part of the resources thereof shall be used for any other than educational purposes as herein contemplated; *and provided further*, that the yearly income of which, accruing to said institution, shall not exceed ten thousand dollars. They shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all the courts of justice, both at law and in equity; they shall cause to be made for their use a common seal, impressed with such devices and inscriptions as they shall deem proper, by which said seal all deeds, diplomas, and acts of said corporation shall pass and be authenticated; and they shall have power to alter or amend the same at their pleasure; they shall have power to form and adopt a constitution and by-laws for their government; to make and carry into effect all necessary regulations for the management of their fiscal concerns; to appoint subordinate officers and agents; to make and establish such ordinances, rules and regulations as they may deem necessary or expedient for the good government of said institution and its officers, teachers, and its pupils; *provided*, that such ordinances, rules and regulations shall not contravene the constitution or laws of the United States, or the laws of this Territory.

SEC. 3. The said trustees shall meet at least once in every year, and shall manage the concerns of said institution as they shall judge most advantageous to the cause of education; that five of their number shall be a quorum at any regular meeting for the transaction of business. The board of trustees shall elect one of their number to be president of their board, and when it may be deemed advisable to add to the number of said trustees, or become necessary to fill vacancies which may occur by death, resignation, or otherwise, the Annual Conference of the Methodist Episcopal Church in Oregon, within whose bounds said institution is located, shall elect such additional trustees, and fill such occurring vacancies. The first meeting of said board of trustees after the passage of this act shall be called by A. R. Flint, and held at the said Umpqua Academy, at which meeting they shall divide themselves into three classes; the term of office of the first class shall expire in one year, the second in two years,

and the third in three years, and thereafter each class shall hold its term of office for three years.

SEC. 4. That all deeds and other instruments of conveyance shall be made by the order of the board of trustees, sealed with the seal of the corporation, signed by the President, and by him acknowledged in his official capacity, in order to insure their validity.

SEC. 5. That the said Academy shall be opened for persons of both sexes, and that the principal and teachers of said institution shall be styled "The Faculty of the Umpqua Academy," who shall have power, by and with the advice of the board of trustees, and in accordance with the rules of the institution, to suspend or expel any student for misconduct; and said faculty, by and with the advice and approbation of the joint board of trustees and visitors, may confer such marks and honors of literary and scientific distinction as are conferred by similar institutions in the United States.

SEC. 6. That the annual Conference of the Methodist Episcopal Church, within the bounds of which said institution is situated, shall annually appoint from their number three visitors to visit and examine into the financial and other affairs of said institution, and meet and confer with the board of trustees, at some convenient time during the annual meeting, and report to the said Conference, at its annual session, the state of the finances of the Academy, the names of the teachers, the branches taught by them, the number of pupils, male and female, taught in the institution during the year, and the number in the several classes respectively; said report to be filed in the archives of the Academy, and accessible at all times for inspection.

SEC. 7. That the president of the board of trustees shall, at the end of each academic year, file in the office of the Secretary of the Territory a report containing the names and officers of the faculty, the names of the teachers, and the branches taught by them, the number of pupils in the several classes respectively, and the whole number taught in the Academy during the year; which report shall be kept on file by the said Secretary for the free inspection of any person or persons wishing to examine the same.

SEC. 8. That the Legislative Assembly, at any future time, when the wants of the institution or considerations of public good require it, may alter, amend, or repeal this act at pleasure.

SEC. 9. This act to take effect and be in force from and after its passage.

Passed Council January 15, 1857.

Passed House January 15, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate the Willamette Woolen Manufacturing Company.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That George H. Williams, Alfred Stanton, Joseph Watt, Joseph Holman, Daniel Waldo, William H. Rector, E. M. Barnum, J. G. Wilson, and J. D. Boon, and their associates, stockholders in the joint stock company, known as the "Willamette Woolen Manufacturing Company," and their successors, are hereby declared a body corporate and politic, by the name and style of the "Willamette Woolen Manufacturing Company," for the purpose of creating and improving water powers and privileges, and manufacturing; and the present organization of said joint stock company shall continue until changed by said corporation.

SEC. 2. Said corporation shall have power to purchase, receive, and possess, lands, goods, chattels, and effects of every kind; the same to use and dispose of at pleasure; to contract and be contracted with, to sue and be sued; to have a common seal, and the same to use and change at pleasure; and to ordain and establish such by-laws and regulations as it may deem expedient for its own government and the efficient management of its affairs, consistent with the constitution and laws of the United States, and the laws of this Territory.

SEC. 3. The capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of not

less than one hundred dollars each, transferrable as its by-laws may provide.

SEC. 4. Said corporation shall receive, possess, and enjoy, all the property, interests, and rights of said joint stock company; and shall hold and have, and may enforce by legal remedies, all claims and obligations due, or to become due, given, or that may be given, to said company; and all stock due, or to become due, to said company shall be payable to and collectable by said corporation; and the individual members of said corporation shall, each and singular, be liable for the corporate debts of said company, contracted while a member of the same, to the amount of his share of the corporate property.

SEC. 5. Said corporation shall have power to bring water from the Santiam river to any place or places in or near Salem, to be brought as far as practicable through the channel or the valley of Mill Creek; and for such purpose may enter upon lands, and also said creek; and do all things proper and suitable for a safe, direct, and economical conveyance of water as aforesaid; but said corporation shall do no unnecessary injury to private property, and shall be answerable in damages to any person whose property is injured by its acts.

SEC. 6. Said corporation shall have the exclusive right to the hydraulic powers and privileges created by the water which it takes from the Santiam river, and may use, rent, or sell the same, or any portion thereof, as it may deem expedient.

SEC. 7. This act shall be in force from and after its passage.

Passed House December 17, 1856.

Passed Council December —, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to locate a Territorial Road from Miller's Ferry, in Washington County, to Portland, in Multnomah County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That M. R. Barnum be and is hereby appointed a commissioner to view and locate a territorial road from Miller's Ferry, in Washington county, to Portland, in Multnomah county.*

SEC. 2. Said commissioner shall, on the first Monday in April, or as soon thereafter as practicable, employ a competent surveyor, together with chain-bearers and marker, and, after being duly sworn, proceed to view and locate a territorial road from Miller's Ferry, in Washington county, by way of Peter Smith's Gap, to Portland.

SEC. 3. Said commissioner and surveyor shall receive each four dollars per day, and said chain-bearers and marker each three dollars per day, to be paid out of the county treasury of the several counties through which said road is located, in proportion to the amount of service rendered in each county.

SEC. 4. This act shall take effect and be in force from and after its passage.

Passed House January 13, 1857.

Passed Council January 15, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate the Rainier Working Men's Educational and Benevolent Society.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the educational association heretofore and now existing in the town of Rainier and county of Columbia, in*

this Territory, is hereby incorporated under the name and style of the "Rainier Working Men's Educational and Benevolent Association."

SEC. 2. That F. M. Warren, George Barlow, Cromlin La Du, James H. Poland, J. S. Bennett, John Fry, and S. E. Barr, of the aforesaid county of Columbia, and their associates and successors in office, be and they are hereby declared to be a body politic and corporate.

SEC. 3. Said corporation shall have perpetual succession, and shall have power to require, receive, and possess, by donation, gift, or purchase, retain and enjoy property, real, personal and mixed, and the same to sell, grant, convey, rent, or otherwise dispose of at pleasure; *provided*, that no part of said property shall be used for any other than the objects set forth in this bill as herein contemplated; *and provided further*, that the yearly income of said society shall not exceed the sum of five thousand dollars; that the said educational and benevolent society shall have power to contract and be contracted with, to plead and be impleaded in all courts of justice, both in law and in equity; they may cause to be made for their use a common seal, impressed with such device or devices and inscriptions as they shall deem proper; by which seal all deeds, diplomas, certificates, and other acts of said corporation shall pass and be authenticated; and shall have power to form and adopt a constitution and such by-laws as they may deem necessary for their government; to make and carry into effect all necessary regulations for the management of their fiscal concerns; to appoint subordinate officers and agents; to make, ordain, and establish such ordinances, rules, and regulations as they may judge necessary or expedient for the government of said society; *provided*, that such rules and regulations shall not contravene the constitution of the United States, nor the laws of this Territory.

SEC. 4. That all deeds and other instruments of conveyance shall be made by order of the board of trustees, sealed with the seal of the corporation, signed by the president, and by him acknowledged in his official capacity.

SEC. 5. That the Legislative Assembly shall have power to alter or repeal this act.

SEC. 6. This act shall take effect from the time of its passage.

Passed House January 17, 1857.

Passed Council January 19, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to re-locate a portion of the Territorial Road from Boonville, in Benton County, to Eugene City, in Lane County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That Jacob Conser, of Marion, Thomas Alford, of Linn, W. M. Stevens, of Lane, be and they are hereby appointed and constituted a board of commissioners to view and re-locate so much of the said territorial road from Boonville to Eugene City as lies in the county of Benton; and the said commissioners shall examine the route over which the road is now located, and also the route from Robert Grimsley's to where the said road crosses the Benton county line, and shall then proceed to re-locate the road on such route as they shall judge will best promote the public interests, having at the same time due regard to the rights and interests of individuals.*

SEC. 2. *That said commissioners, or a majority of them, shall meet at Corvallis on the first Monday in May next, or as soon thereafter as a majority of them may agree upon, and, after being duly sworn faithfully and impartially to perform the duties of their appointment, shall proceed to view and locate said road as set forth in the first section of this act, and agreeable to the law defining the manner of locating territorial roads.*

SEC. 3. *Said commissioners, and the person employed by them as surveyor, shall receive three dollars per day for the time necessarily employed in locating said road, to be paid out of the treasury of Benton county.*

SEC: 4. The board of county commissioners of said Benton county are hereby authorized to vacate the road authorized to be located by this act; *provided*, damages shall be assessed on account of said road for so large an amount that the said county commissioners shall deem it unjust and unreasonable to pay the same.

SEC. 5. That so much of the territorial road from Boonville to Eugene City, located in 1856, as is located in Benton county, is hereby vacated.

SEC. 6. This act shall take effect from the time of its passage.

Passed House January 13, 1857.

Passed Council January 17, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS: K. KELLY,

President of the Council.

AN ACT to incorporate Samaritan Lodge No. (2) two of Odd Fellows in the City of Portland, Territory of Oregon.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That all such persons as are or may become members of Samaritan Lodge No. (2) two of the Independent Order of Odd Fellows, at the city of Portland, Territory of Oregon, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "Samaritan Lodge No. (2) two of the Independent Order of Odd Fellows," and by that name they and their successors shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of law and equity whatsoever; and by the name and style of "Samaritan Lodge No. (2) two," be capable of purchasing and receiving, by gift or otherwise, and of holding and conveying real estate for the benefit of said Lodge; *provided*, that said corpo-

ration shall not at any one time hold property to an amount exceeding fifty thousand dollars.

SEC. 2. The three highest officers of said Lodge shall always be, and they are hereby appointed trustees of said Lodge.

SEC. 3. The said corporation shall have power to make such by-laws and regulations as may be necessary for the government of its affairs, and for the purchase, sale, or transfer of its real estate or other property.

SEC. 4. A certificate over the signature of the officer of said corporation to the effect that said Lodge has been duly organized, and recorded in the office of the clerk of the district court, shall be sufficient evidence of the existence and organization of said Lodge.

SEC. 5. This act may be amended or repealed at the pleasure of the Legislature.

SEC. 6. This act shall take effect from the time of its passage.

Passed House January 14, 1857.

Passed Council January 15, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to change a portion of the Territorial Road leading from Jacob Spores' to Winchester.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That Laban Buoy, Joseph Petty, and C. E. Chrisman, be and they are hereby appointed commissioners to change so much of the territorial road leading from Jacob Spores', in Lane county, to Winchester, in Douglas county, as lies between the house of C. P. Noland and C. E. Chrisman.*

SEC. 2. The above named commissioners shall meet at the house [of] P. C. Noland, on the first Monday in April next, or within six days thereafter, for the purpose of entering upon the duties of their

office, and shall forthwith proceed to view and locate the road mentioned in the first section of this act, commencing at or near the house of P. C. Noland, thence, on the most practicable route, to the northeast corner of G. C. Pearce's land claim, thence due south, on the line between said Pearce and Noland's land claims; also, as near as may be, between J. Petty's, J. Buoy's, T. Buoy's, L. Buoy's, and Mr. Kelsay's land claims, to the north boundary of Mr. Davidson's claim; thence, on a direct route, to the left of an oak grove, at or near C. E. Chrisman's house, intersecting the old territorial road at that point.

SEC. 3. The petitioners shall, at their own expense, open and complete said road, in as good condition as the territorial road is that is hereby proposed to be vacated; and the supervisor of the road district through which such road shall pass, is hereby authorized, after the completion of the same, to proceed to and examine the same; and if, in his opinion, such road is completed according to the provision of this act, he shall accept the same, and thereby that part of the old road affected by this act, is hereby vacated; *provided, however*, if damages shall be claimed and assessed against the county of Lane, for the right of way for a greater amount than the county commissioners of said county shall deem expedient to pay, such road shall not be opened.

SEC. 4. This act to take effect from and after its passage.

Passed House January 13, 1857.

Passed Council January 15, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate the New Port Railroad Company.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That James Flanagan and Samuel S. Mann, their associates and successors are hereby declared a body corporate*

and politic, by the name and style of the "New Port Railroad Company," for the construction of a railroad from the New Port coal mine, so called in the county of Coos, and Oregon Territory, to such point on the so called Coal Bank creek, as the directors of said company, when elected, shall deem most expedient and eligible for the purpose contemplated, and for this purpose the said company are hereby authorized and empowered to purchase, accept, have and hold lands, goods, chattels, and effects of any kind, to any amount not to exceed one hundred thousand dollars, and the same to use and dispose of at pleasure, to sue and be sued, defend and be defended, in any court having jurisdiction, to have a common seal and the same to use and change at pleasure, to ordain such by-laws and regulations as the directors may deem for the well being of said corporation, consistent with the constitution of the laws of the United States and the laws of this Territory.

SEC. 2. The capital stock of said company shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each, transferrable as the by-laws may provide.

SEC. 3. The aforesaid James Flanagan and Samuel S. Mann, shall be empowered to receive subscriptions and to perform all necessary acts for the organization of said company, and they may require such installments to be paid at the time of subscription, as they may think expedient, and when two hundred shares of said capital stock shall have been subscribed, they may call a meeting of such subscribers, by giving to each at least six day's notice before said meeting, at which said meeting, said subscribers may elect three or more directors, and any other officers they may deem expedient.

SEC. 4. Said company is hereby authorized to transport passengers, goods, merchandize, and freight of all other descriptions up and down said road, and to hold, purchase, occupy, and possess warehouses at the beginning and termini of said road.

SEC. 5. Said company may and shall transport goods, merchandize, and freight from the mine to the point selected for the terminus as well as from thence to the mine, for the sum of fifty cents per ton, but if goods, merchandize or freight shall remain in the warehouse of the company, by order of the owner or agent or consignee thereof, then the same shall be chargeable with storage at reasonable rates.

SEC. 6. The affairs of said company shall be governed by the

directors thereof, who, after the first election, shall be elected on the first Monday of August of each year, or as soon thereafter as consistent, and they shall hold their offices until their successors are elected and qualified. The directors shall have power to fill vacancies in their board, and appoint such officers and agents as the business of the company may require.

SEC. 7. It shall be lawful for the directors of said company to enter upon and take possession of any and all lands necessary for the location of said road and convenient appurtenances and appendages thereto, doing no unnecessary damage, and if the directors shall not be able to obtain the land necessary for such purpose by agreement with the owner thereof, they shall pay therefor, such damages as may be assessed by a jury of six electors, empaneled by a justice of the peace in the vicinity, but either party shall be at liberty to appeal from the verdict of said jury to the district court within such time and in such manner is allowed in appeals from judgments of justices of the peace in civil cases.

SEC. 8. Said company, when requested to do so, shall as soon as practicable thereafter, report to the Legislative Assembly the actual costs of said railroad and works, and the current expenses attending the same, and also, the entire annual reports arising therefrom.

SEC. 9. Unless said company be organized on or before the first day of Dec., 1859, and shall complete said railroad necessary to the safe and convenient transportation of goods, merchandize and freight, on or before the first day of Dec., 1861, this charter shall be forfeited and become null and void, and the Legislative Assembly may, at any time after twenty years from the time of the completion of said road, alter or amend this act.

SEC. 10. In the event of the insolvency of said corporation, the stockholders shall be liable individually for the debts contracted, while he was such stockholder, to an amount equal to the stock held by him.

SEC. 11. This act to take effect from and after its passage.

Passed House January 19, 1857.

Passed Council January 22, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate the DesChutes Bridge Company.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That Victor Trevitt, Orlando Humason, and John A. Simms, and such other persons as may become associated with them, by subscribing to the capital stock of said company, be and they are hereby constituted and declared a body politic and corporate, by the name and style of the "DesChutes Bridge Company," for the purpose of constructing a bridge across the DesChutes river, in Wasco county, at or near the crossing of the emigrant road, to the Dalles, and within five miles of the mouth of said river, and for such the company is hereby authorized and empowered to have and receive, purchase and possess, enjoy and retain, lands and rents, goods and chattels, and effects of any kind, and to any amount, within the capital stock of said company, as limited by this act, necessary to carry into effect the object of this corporation, and the same to use, alien, sell, and dispose of at pleasure; to sue and be sued, defend and be defended, in all courts having competent jurisdiction, to have and use a common seal, the same to break, alter, and amend at pleasure; to ordain and establish such rules and regulations and by-laws as may be necessary for the well being of said corporation, subject, however, to the constitution of the United States, the laws of congress, and of the Territory, and restrictions and limitations contained in this act.*

SEC. 2. The capital stock of said company may be twenty thousand dollars, divided into shares of one hundred dollars each, transferrable in entire shares in such manner as the rules of the corporation shall hereafter prescribe; *provided*, that no stockholder shall, without the consent of the directors, be at liberty to transfer his stock after any installment shall be ordered until such stockholder shall have paid the money due on his stock.

SEC. 3. The persons named in the first section of this act, or either of them, shall be commissioners to receive subscriptions and perform all necessary acts to organize said company, and they are hereby authorized and empowered to cause books to be opened at such time and such places as they shall think proper, to receive subscriptions to the capital stock of said company.

SEC. 4. That when fifty shares shall have been subscribed, the
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commissioners shall call a meeting of the subscribers, by causing notices of the time and place thereof to be posted up in at least three public places in the county of Wasco, not less than ten days previous to the time of said meeting, and at such time and place those present shall proceed to elect directors, who shall serve until the first annual election, and until their successors are chosen and qualified, and adopt such by-laws and regulations for the government of the corporation, as by them may be deemed expedient, the stockholder to vote either in person or by proxy; each stockholder being entitled to one vote for each share of stock he may have in said company.

SEC. 5. The affairs of said company shall be governed by three directors, or a majority of them, who shall be elected on the first Monday in March, each year, and shall hold their office until their successors are elected and qualified, and each director shall be a stockholder at the time of his election, and shall cease to be a director when he shall cease to be a stockholder, and the directors shall have free power to fill all vacancies in their board, that may happen by death or otherwise.

SEC. 6. The directors, before entering upon their duties, shall take an oath of affirmation, faithfully and impartially to discharge their duties. They shall choose a president and treasurer from among the number, and they shall appoint such others officers and agents as they shall think proper and needful for promoting said undertaking, to make contracts, and to do all things necessary to carry them into immediate effect, and allow them such compensation for their services as they may agree upon. They shall determine the amount of lands or other securities they may see fit to exact from any of their officers or other persons, and pass upon their sufficiency, prescribe the amount of any installment to be paid upon subscriptions and the mode and manner of insuring payment of subscriptions and take the general charge and supervision of the affairs of said company.

SEC. 7. It shall be lawful for said directors to enter upon and take possession of any lands, road, streets, or alleys, necessary for the location or construction of said bridge, and necessary appurtenances and appendages thereto, doing no unnecessary damage; and if it shall be necessary for the construction or location of said bridge, and if said corporation shall not be able to obtain such lands or materials

necessary for such purpose by an agreement with the owner thereof, they shall pay therefor such damages as may be estimated by the county commissioners of said county upon proof made by such person or corporation.

SEC. 8. Whenever such bridge shall be completed, the president and directors shall have power to erect a gate thereon and ordain and establish a rate of tolls for passing over said bridge and appoint a collector who shall collect the same from all and every person or persons passing thereon, with their goods, carriages, or animals of every kind; *provided, however*, the following shall be the maximum of said tolls, viz:

For each foot passenger, - - - - -	\$ 15
For each man and horse, - - - - -	50
For each pack animal and pack, - - - - -	50
For each cart, chaise, gig, with two wheels or other two-wheeled carriage, sleigh, or sled drawn by one horse, -	75
The same drawn by two horses or oxen, - - - - -	1 00
For four-wheeled wagon, carriage, or buggy, with one horse, -	1 00
For same with two horses or oxen, - - - - -	1 25
For additional horse or ox, - - - - -	25
For each pleasure carriage, coach, or vehicle for the conveyance of persons with four horses, - - - - -	1 50
For each horse, mule or ass, or neat cattle driven over the same, - - - - -	20
For each sheep or hog, - - - - -	10

SEC. 9. That if any person or persons shall intentionally drive any animal or animals, team or teams, attached to any vehicle or vehicles, or otherwise, across said bridge, at a faster rate than shall be prescribed by the by-laws of said corporation, the person so offending, shall, on conviction thereof, before any justice of the peace, or in any district court in any county in this Territory, be fined in any sum not exceeding ten dollars.

SEC. 10. That if any person or persons shall willfully commit any injury upon said bridge, by any means or in any manner whatever, the person or persons so offending shall, upon conviction thereof, in any district court of this Territory be fined in any sum not exceeding five hundred dollars, for the use of the proper county,

and shall also be liable to said corporation in double the amount of damage sustained.

SEC. 11. That within two years after the passage of this act, said bridge shall be erected and substantially constructed, so as to bear with safety, any person, vehicle, or animal in this act mentioned, otherwise this act, in every part thereof, shall be of no validity or effect.

SEC. 12. That as soon as said bridge shall be constructed aforesaid, and tolls collected thereon, the president of said company shall under oath, list the capital stock and other property of said company for taxation, as personal property is then listed for taxation by law.

SEC. 13. At any time after ten years from the time the tolls may be first collected on said bridge, the Legislative Assembly may change the rates of toll on said bridge, and the county commissioners or proper authorities of Wasco county, shall have a right at the expiration of ten years to purchase and manage said bridge, in such manner as may be provided by law.

SEC. 14. Said corporation shall erect and keep exposed to view, in some conspicuous place, near the gate of said bridge, a sign board with all the rates of toll fairly and legibly written or printed in letters of a large size, and unless said corporation shall so erect and keep such sign board they shall not be entitled to demand any toll for crossing said bridge.

SEC. 15. Whenever any person liable to the payment of toll on such bridge, shall sustain any injury by reason of said bridge being insufficient or out of repair, said corporation shall be answerable to the person injured; *provided*, said injury did not arise from unavoidable accident.

SEC. 16. Said company shall be subject to the provisions of any general law, which is, or may hereafter be enacted regulating the mode of taxation; and the capital stock of said company shall be subject to such tax as may now or hereafter be provided by law.

SEC. 17. This act shall take effect and be in force from and after its passage.

Passed Council December 12, 1856.

Passed House December 16, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to locate a Territorial Road from the Town of Dalles to John Day's River, in Wasco County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That R. R. Thompson, Orlando Humason, and William C. Laughlin, of Wasco county, be and they are hereby constituted and appointed a board of commissioners to view and locate a territorial road, on the nearest and best ground, from the town of Dalles to John Day's river, at the crossing of the emigrant road, in Wasco county.*

SEC. 2. Said commissioners, or a majority of them, shall meet at the town of Dalles, on the first Monday in March next, or as soon thereafter as a majority of them may agree upon, and, after being duly sworn to perform their respective duties according to the laws of this Territory in relation to territorial roads, shall proceed to view and locate said road; *provided, also, the said commissioners, in their discretion, may dispense with the location of that part of said road between the rivers Deschutes and John Day's river, if, in their opinion, the public good does not demand its further extension.*

SEC. 3. Said commissioners shall have the power to employ such number of persons as shall be necessary to survey and mark said road; and the commissioners, and these persons employed by them, shall be entitled to receive out of the county treasury of Wasco county, the sum of three dollars for each and every day they may be so necessarily employed, as shown by the return of the said commissioners to the office of the county auditor for said Wasco county.

SEC. 4. Said commissioners, and all persons by them employed, shall do and perform all other duties not herein provided for, according to the now existing laws in this Territory in such cases.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed December 18, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate Eugene City Lodge No. 11.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That all such persons as are or may hereafter become members of Eugene City Lodge, No. 11, of Free and Accepted Masons, at Eugene City, in the county of Lane, and Territory of Oregon, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "Eugene City Lodge, No. 11, of Free and Accepted Masons," and by that name they and their successors shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all the courts of law and equity whatsoever; and by the name and style of "Eugene City Lodge, No. 11," be capable of purchasing and receiving, by gift or otherwise, and of holding and conveying, real estate for the benefit of said Lodge; *provided,* that said corporation shall not at any one time hold property to an amount exceeding fifty thousand dollars.

SEC. 2. The three highest officers of said Lodge shall always be and they are hereby appointed trustees of said Lodge.

SEC. 3. The said corporation shall have power to make such by-laws and regulations as may be deemed necessary for the government of its affairs, and for the purchase, sale, or transfer of its real estate or other property.

SEC. 4. A certificate over the signature of the officers of said corporation to the effect that said Lodge has been duly organized, and recorded in the office of the clerk of the district court, shall be sufficient evidence of the existence and organization of said Lodge.

SEC. 5. This act shall be in force from and after its passage.

Passed Council December 13, 1856.

Passed House December 13, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate the Adelposophical Society of Eugene City.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That J. H. Rogers, L. Danforth, J. L. Bromley, E. F. Skinner, A. W. Patterson, J. Delamater, W. S. Brock, H. A. Smith, S. Ellsworth, R. Robe, M. W. Mitchell, W. Macy, R. A. Pearsons, F. McMurray, their associates and successors, be and they are hereby declared a body corporate and politic, under the name and style of the "Adelposophical Society of Eugene City."*

SEC. 2. Said corporation shall have perpetual succession, with power to sue and be sued; to have and use a corporate seal, to hold, possess, dispose of, and convey property, both real and personal; *provided*, that the funds and property of said corporation shall be devoted to educational and scientific purposes, and shall at no time yield an annual income to exceed the sum of five thousand dollars.

SEC. 3. Said corporation may adopt a constitution and by-laws regulating terms of membership, and all other things necessary to carry into effect the object of such an association; and the first meeting of its members shall be held on the 12th day of February, 1857.

SEC. 4. The Legislative Assembly may at any time amend or repeal this act, which shall be in force and take effect from and after its passage.

Passed Council January 10, 1857.

Passed House January 13, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate the South Santiam Bridge Company.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That William Messer Smith, Joseph Ralston, Jason Wheeler, Bartlett Curle, and David W. Ballard, and such other persons as they may associate with them, and their successors, be and the same are hereby constituted a body politic and corporate, by the name and style of the "South Santiam Bridge Company," for the purpose of constructing a bridge across the South Santiam river, at or near Ridgway's ferry; and for such purpose, such company is hereby authorized and empowered to have, receive, purchase, and possess, enjoy and retain lands, rents, goods, chattels, and effects of any kind, and to any amount within the capital stock of said company, as limited in this act, necessary to carry into effect the object of this corporation, and the same to use, sell, and dispose of at pleasure, and to establish such rules, regulations, and by-laws as may be deemed necessary for the well being of said corporation, subject to the laws of congress and of this Territory, and the restrictions and limitations of this act.*

SEC. 2. The capital stock of this company may be twenty thousand dollars, divided into shares as may be deemed most efficient in carrying out the object of this corporation.

SEC. 3. It shall be lawful for said company to enter upon and take possession of any lands, roads, or streets necessary for the location or construction of said bridge and necessary appurtenances and appendages thereto, doing no unnecessary damage; and if it be necessary for the construction or location of said bridge, and if said company shall not be able to obtain such lands or materials for such purpose, by an agreement with the owner thereof, they shall pay such damages as may be estimated by three disinterested persons, to be appointed by the commissioners of the county in which said bridge is to be built, upon application of either party concerned.

SEC. 4. Whenever such bridge shall be completed, the company shall have power to erect a gate thereon, and establish a rate of tolls for passing over said bridge; *provided, however,* that the following shall be the maximum of said tolls:

For each foot passenger crossing said bridge, three cents.

For each man and horse, twenty cents.

For each cart, chaise, or gig, with two wheels, or other two-wheeled carriage, sleigh, or sled drawn by one horse, thirty cents.

And the same with two horses or oxen, fifty cents.

For each four-wheeled wagon, carriage, or buggy, with one horse, fifty cents.

And the same with two horses or oxen, sixty cents.

For each additional horse or ox, ten cents.

For each pleasure coach, carriage, or vehicle for the conveyance of persons with four horses, seventy-five cents.

For each horse, mule, or ass, or neat cattle driven over the same, ten cents.

For sheep or hogs over the same, three cents each.

SEC. 5. That if any person shall willfully commit any injury upon said bridge, by any means, or in any manner, whatever, the person or persons so offending, shall, upon conviction thereof, in any district court of this Territory, be fined in any sum not exceeding five hundred dollars, for the use of Linn county, in said Territory, and shall also be liable to said company in double the amount of damages sustained.

SEC. 6. That within three years after the passage of this act, said bridge shall be erected and substantially constructed so as to bear with safety any person, animal, or vehicle mentioned in this act in every part thereof, shall be of no effect or validity.

SEC. 7. At any time after the expiration of ten years from the time said company commences receiving tolls, the county commissioners or the citizens of the vicinity shall have the right to purchase the said bridge with the lands thereunto belonging, at a fair cash valuation.

SEC. 8. Said company shall erect and keep exposed to view in some conspicuous place, near the gate of said bridge, a sign board, with all the rates of toll fairly and legibly written or printed in letters of large size, and unless said company shall erect and keep such sign board, they shall not be entitled to demand any toll for crossing said bridge.

SEC. 9. Whenever any person liable to the payment of toll on said bridge, shall sustain any injury by reason of said bridge being

insufficient or out of repair, said company shall be answerable to the person injured; *provided*, said injury did not arise from unavoidable accident.

SEC. 10. Said company shall give passage across said bridge to all persons, animals, and vehicles of all kinds and freight whenever the legal amount of toll shall have been tendered to the keeper of said bridge.

SEC. 11. This act may be amended at the pleasure of the Legislature.

SEC. 12. This act to take effect from and after its passage.

Passed House January 24, 1857.

Passed Council January 26, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to re-locate a portion of the Territorial Road leading from Corvallis, in Benton county, to Estes' in Umpqua county.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That John B. Ferguson, be and is hereby permitted to re-locate a part of the territorial road from Corvallis, in Benton county, to Estes', in Umpqua county, beginning at the line dividing the counties of Lane and Benton, and running south on the claim line of B. P. Richardson, then south, leaving a butte east of John B. Ferguson's, on the east, thence south, intersecting the old survey, at or near Benj. Cox's bridge; provided, said John B. Ferguson shall, at his expense, open and locate said change of road in as good condition as the original territorial road was previous to its vacation; provided, that the supervisor of said road district will receive and accept the same.*

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed House January 13, 1857.

Passed Council January 14, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to locate a Territorial Road from Jacksonville, in Jackson county, to the California line, on or near the Crescent City trail, in Josephine County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That A. P. Turner, S. W. Sawyer, and W. W. Fowler, be and they are hereby appointed a board of commissioners, to view and locate a territorial road on the most practicable route, from Jacksonville, in Jackson county, to the California line on or near the Crescent City trail, in Josephine county.*

SEC. 2. That said commissioners, or a majority of them, shall meet at Sawyer's, in Josephine county, on the second Monday in May next, or as soon thereafter as a majority of said commissioners shall agree, and, after being duly sworn faithfully and impartially to perform the duties of their appointment, shall proceed to view and locate said road as indicated in the first section of this act, and agreeably to the law defining the manner of locating territorial roads.

SEC. 3. It shall be the duty of said board of commissioners to make a plat and description of said road, setting forth that part of the same which lies in Jackson county, and that part which lies in Josephine county, and file the same with the clerks of the said counties of Jackson and Josephine respectively, who are required to file, and carefully preserve the same, and when so filed, said road shall be opened and kept in repair as other territorial roads are opened and kept in repair.

SEC. 4. Said commissioners shall each receive four dollars per day for each and every day reasonably employed in viewing and locating said road; and if said commissioners shall deem it necessary to retain chain-bearers and markers in locating the same, such chain-bearers and markers shall each be entitled to receive the sum of three dollars per day for such service.

SEC. 5. This act to be in force from and after its passage.

Passed House January 15, 1857.

Passed Council January 17, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT for the relief of James Ogle.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the sum of three hundred and nine dollars be and the same is hereby appropriated out of any money in the territorial treasury not otherwise appropriated, to the payment of James Ogle, for labor performed in assisting to lay out a territorial road from Astoria, in Clatsop county, to the Willamette Valley, according to law.

SEC. 2. This act shall take effect from the time of its passage.

Passed House January 22, 1857.

Passed Council January 23, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate the Albany Library Association.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the literary association heretofore and now existing in the town of Albany, and county of Linn, in this Territory, is hereby incorporated under the name and style of the "Albany Library and Literary Institute."

SEC. 2. That J. P. Tate, Joel Shepard, John H. Hackleman, Thomas Strang, Walter Monteith, D. H. Bodine, Geo. Cline, James H. Foster, and H. A. Cunningham, of the aforesaid county of Linn, and their associates and successors in office, be and they are hereby declared to be a body politic and corporate.

SEC. 3. Said corporation shall have perpetual succession, and shall have power to acquire, receive, and possess, by donation, gift, or purchase, retain and enjoy property, real, personal and mixed, and the same to sell, grant, convey, rent, or otherwise dispose of at pleasure; *provided*, that no part of said property shall be used for any other than literary purposes, as herein contemplated; *and provided further*, that the yearly income of said institute shall not exceed the sum of five thousand dollars; that said literary association shall have power to contract and be contracted with; to sue and be sued; to plead and be impleaded, in all courts of justice, both at law and in equity; they may cause to be made for their use a common seal, impressed with such device or devices and inscriptions as they shall deem proper; by which seal all deeds, diplomas, certificates, and other acts of said corporation shall pass and be authenticated; and shall have power to form and adopt a constitution and such by-laws as they may deem necessary for their government; to make and to carry into effect all necessary regulations for the management of their fiscal concerns; to appoint subordinate officers and agents; to make, ordain, and establish such ordinances, rules, and regulations as they may judge necessary or expedient for the government of said institute; *provided*, that such ordinances, rules, and regulations shall not contravene the constitution of the United States, nor the laws of this Territory.

SEC. 4. That all deeds and other instruments of conveyance shall be made by order of the board of trustees, sealed with the seal

of the corporation, signed by the president, and by him acknowledged in his official capacity.

SEC. 5. That the Legislative Assembly shall have power to alter or repeal this act.

SEC. 6. This act shall take effect from the time of its passage.

Passed House January 12, 1857.

Passed Council January 13, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to amend "An Act relating to Roads and Ferries."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the county commissioners of the several counties be and the same are hereby authorized to fix, alter and establish, from time to time, the rates of ferriage to be levied and collected at all ferries now established, or hereafter to be established by law, within, or bordering upon the county lines of any of the counties in this Territory.

SEC. 2. All acts and parts of acts inconsistent with this act be and are hereby repealed.

SEC. 3. This act shall take effect from the time of its passage.

Passed House December 18, 1856.

Passed Council January 7, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to establish Montville Institute.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That there shall be established in the vicinity of Washington Butte, in Linn county, an institution of learning, to be called "The Montville Institute," and that H. Clark, O. Dickenson, T. Judkins, H. H. Spaulding, J. J. McFarland, Richmond Chedell, W. F. Alexander, J. H. Douthet, H. Lyman, and their associates and successors in office, are hereby declared to be a body corporate and politic in law, by the name and style of the "Trustees of the Montville Institute."

SEC. 2. That said corporation shall have perpetual succession, and shall have power to acquire, receive, and possess, by donation, gift, or purchase, retain and enjoy property, real, personal, and mixed; and the same to sell, grant, convey, rent, or otherwise dispose of at pleasure, *provided*, that no part of the resources thereof shall be used for any other than educational purposes herein contemplated; *and provided further*, that the yearly income of which shall not exceed twenty thousand dollars; they shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all courts of justice, both at law and in equity; they shall cause to be made for their use a common seal, impressed with such devices and inscriptions as they shall deem proper; by which seal all deeds, diplomas, and acts of said corporation shall pass and be authenticated; and they shall have power to alter or amend the same at pleasure; they shall have power to form and adopt a constitution and code of by-laws for their government; to make and to carry into effect all necessary regulations for the management of their fiscal concerns; to appoint subordinate officers and agents; to make, ordain, and establish such ordinances, rules, and regulations as they may judge necessary or expedient for the good government of said institution, its officers, teachers and pupils; *provided*, that such ordinances rules and regulations, shall not contravene the constitution of the United States, or the laws of this Territory.

SEC. 3. That said trustees shall meet at least once every year, and shall manage the concerns of said institution as they shall consider most advantageous to the cause of education; that five of their

number shall form a quorum at any regular meeting for the transaction of business. Said board of trustees shall elect one of their number to be president; and when it may be deemed advisable to add to the number of trustees, or become necessary to fill vacancies which may occur by death, resignation, or otherwise, said board of trustees shall elect such additional trustees, and fill such occurring vacancies. The first meeting of said board of trustees after the passage of this act shall be called by Thomas Condon, and held at Montville, Linn county.

SEC. 4. If, from any cause, the board of trustees shall become less than five, and thus be unable to number a quorum, then the nearest Congregational Church shall have power to fill the vacancies.

SEC. 5. That all deeds and other instruments of conveyance shall be made by order of the board of trustees, sealed with the seal of the corporation, signed by the president, and by him acknowledged in his official capacity, in order to insure their validity.

SEC. 6. That said institute shall be open for persons of both sexes; and that the principal and teachers of said institution shall be styled "The Faculty of Montville Institute," who shall have power, by and with the advice of the trustees, to suspend or expel any student for misconduct, in accordance with the rules adopted by the board; and said faculty, by and with the advice and approbation of the board of trustees, may confer such marks and honors of scientific distinction as are exercised by other similar academic institutions in the United States.

SEC. 7. That the principal of the institution shall be *ex officio*, a member of the board of trustees.

SEC. 8. That the president of the board of trustees shall, at the end of each academic year, file in the office of the Secretary of this Territory a report containing the names of the faculty, and the branches taught by them; the number of pupils in the several classes respectively, and the whole number taught in the institution during the year; which report shall be kept on file by the said Secretary, for the free inspection of any person or persons wishing to examine the same; and a copy to be filed in the archives of the institution, and accessible at all times for inspection.

SEC. 9. The Legislature shall have power at any time to alter, amend, or repeal this act.

SEC. 10. This act shall take effect from the time of its passage.
Passed January 9, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAMES K. KELLY,

President of the Council.

AN ACT to re-locate a part of the Territorial Road leading from Albany, in Linn County, to Drift Creek, in Marion County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That Samuel Fields be and hereby is permitted to re-locate a part of the territorial road leading from Albany, in Linn county, to Drift Creek, in Marion county; commencing where the aforesaid road crosses the south line of Samuel Fields' land claim, in Marion county; thence, running on a straight line across said land claim, and intersecting the old survey where the aforesaid road crosses the north line of said Fields' claim; *provided*, said Fields shall make as good a road as that proposed to be vacated; *provided*, that no change of said road shall be made until the proposed new route shall have been opened and completed as aforesaid, and the same accepted by the supervisor of roads in the road districts in which the said road lies.

SEC. 2. This act to take effect and be in force from and after its passage.

Passed the House December 16, 1856.

Passed the Council December 18th, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAMES K. KELLY,

President of the Council.

AN ACT to grant Susannah V. Delerima a Divorce.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the bonds of matrimony heretofore existing between Susannah V. Delerima and Lucius S. Delerima, be and they are hereby dissolved, and the said Susannah V. Delerima divorced from all obligations of said marriage contract.

SEC. 2. This act to take effect from and after its passage.

Passed Council January 10, 1857.

Passed House January 13, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to provide for extending the limits of County Seat of Polk County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That Dallas, the county seat of Polk county, be so extended as to include within its limits for the purposes of a county seat, all the lands donated to the corporation known as the La Creole Academic Institute, and included in the survey and plat of the same lands, made by said corporation.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed Council December 10, 1856.

Passed House December 12, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to amend an act entitled "An act to organize Curry county."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the county of Curry shall pay its proportion of the debt of Coos county, according to the amount of taxable property in said county, as shown by the assessment roll, as made out by the assessor of Coos county, for the year, A. D. 1855.*

SEC. 2. *That it shall be the duty of the auditors of each of the counties referred to in the preceding section, on or before the first day of May, A. D., 1857, to meet at the auditor's office, in Coos county, to examine such assessment roll and determine the amount chargeable to Curry county; provided, however, that if the Auditor of Curry county shall fail to attend as specified above, then the Auditor of Coos county shall proceed to the necessary examination, in order to determine such amount, and shall lay the result of his examination before the county commissioners of his county, at their following regular July session, for their correction and approval, and it shall be legal to demand of Curry county, the payment of the sum so determined; provided further, that upon the payment of the amount determined as above, Coos county shall, as soon thereafter as called upon by the proper authorities pay over to the county of Curry, a sum equal to its (Curry county's,) portion of the school fund of Coos county, remaining on hand at the time of the division; such sum to be determined at the same time by the same persons, and in like manner as provided by this act, for the determination of the amount due from the said Curry county to the county of Coos, aforesaid.*

SEC. 3. *This act to take effect and be in force from and after its passage.*

Passed House January 9, 1857.

Passed Council January 10, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to provide for the payment of extra professional services rendered by the Prosecuting Attorney of the First Judicial District.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the sum of two hundred and fifty dollars be and the same is hereby appropriated out of any money in the territorial treasury, not otherwise appropriated, to the payment of the prosecuting attorney of the first judicial district, for extra professional services, rendered by virtue of an act entitled "An act for the relief of the heirs of Ewing Young, deceased," passed Jan. 31, 1855, as well as for other professional services rendered by virtue of an act entitled "An act to repeal a part of an act entitled 'An act for the relief of the heirs of Ewing Young, deceased,' " passed 12th Dec., 1855.*

SEC. 2. This act shall be in force from and after its passage.

Passed House December 18, 1856.

Passed Council December 17, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to amend an act entitled "An act for the establishing of a Pilotage on Coos Bay Bar.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That said act be and the same is hereby amended in section (11) eleven, in the third line of said section, by inserting between the words "vessels and of," the following words, to-wit: "employing a steam tug to tow them or vessels."*

SEC. 2. That the (13) thirteenth section of said act be and the same is hereby amended by adding thereto the following, to-wit: Provided, however, that no master of a vessel shall be bound to pay such full or half pilotage, in the event of his employing a steam tug,

to tow him over the ground covered by the branches or warrants of such pilots on the bar and bay.

SEC. 3. Such parts of all acts as conflict with the provisions of this act, are hereby repealed.

SEC. 4. This act shall take effect from the time of its passage.

Passed House January 6, 1857.

Passed Council January 8, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate Jefferson Institute.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That Geo. H. Williams, J. M. Harrison, J. Conser, H. A. Johnson, N. R. Doty, E. E. Parrish, W. F. West, J. Terhune, J. L. Miller, C. A. Reed, Jas. Johnson, L. Pettyjohn, Manuel Gunsawles, and Anderson Cox, their associates and successors, are hereby declared a body corporate and politic, by the name and style of the "Trustees of Jefferson Institute."*

SEC. 2. Said corporation shall have power to purchase, receive, hold, and dispose of property, real and personal, for educational purposes, to make contracts, to sue and be sued, to have and use a common seal, and the same to change at pleasure, and to make and adopt by-laws, rules, and regulations not contrary to law, necessary and proper for the control and financial management of said institute, and the government of said corporation, its officers, teachers, and pupils.

SEC. 3. Said corporation shall receive, have, and may dispose of all the rights, interests, and property belonging to an association heretofore called the "Jefferson Institute," and all claims or demands due or to become due to said association, or any person for

the use thereof, shall be payable to, and collectable by said corporation, and said corporation shall be chargeable with the debts and liabilities of said association.

SEC. 4. The organization of said association shall continue until changed under this charter, but said corporation shall provide for the election of one-third its trustees annually by the subscribers to said institute, each one having a vote; but the number of said trustees shall not exceed twenty-five, or be less than fifteen; and no political or religious qualification for officers or teachers in said institute, shall be required, nor shall more than one-fourth of its trustees at one time belong to the same religious denomination.

SEC. 5. If a district school shall not be taught in the school district where said institute is, or may be situated, and it shall make the same report as to the number and ages of children as is or may be required of school district officers, the said institute shall have the right to receive from the officer disbursing the school fund, the same moneys as the said school district would be entitled to receive upon a compliance with law.

SEC. 6. This charter may be repealed or amended.

SEC. 7. This act to take effect from and after its passage.

Passed House January 6, 1857.

Passed Council January 7, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT entitled "An act to define the boundary line between the counties of Multnomah and Wasco.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the boundary line between the counties of Multnomah and Wasco, shall be as follows: Beginning at a point on the line dividing Oregon and Washington Territories, on the Columbia river, at or near the head of Bradford's Island, that from*

which a due south line will pass through the mouth of Eagle Creek, in Oregon Territory, thence south, to the summit of the Cascade range of mountains and intersecting the present line of Wasco county.

SEC. 2. All laws and parts of laws heretofore passed and now in force in this Territory, in anywise conflicting with the provisions of this act, are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

Passed House January 13, 1857.

Passed Council January 14, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate the Portland Lyceum.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That* Nehemiah Northrup, D. R. Carson, W. S. Powell, W. L. Chittenden, L. J. Powell, their associates and successors, be and the same are hereby declared a body politic and corporate under the name and style of the "Portland Lyceum."

SEC. 2. Said corporation shall have perpetual succession, a corporate seal, to be by them adopted, shall have power to sue and be sued, in all courts of justice having proper jurisdiction, may acquire and possess property, real, personal, or mixed, by benefaction or by purchase, and may dispose of the same as they think proper; *provided*, the yearly income of said society shall not exceed five thousand dollars, and shall be devoted only to proper and legitimate purposes.

SEC. 3. The members of said corporation may elect annually their trustees as they shall determine at any regular meeting of said society, adopt a constitution and by-laws, and do all other things necessary to carry into effect the object of such an association; and the first meeting of the members of said corporation shall be called by Nehemiah Northrup, at such time and place as he may think proper.

SEC. 4. The trustees of said association shall hold their office for one year and until their successors are duly elected and qualified; and they or a majority of them, shall meet at least once a year, and shall manage the concerns of said association, and the said board shall elect one of their number to be president, and whenever the association shall deem it advisable, they shall have power to add to the number of trustees, and they may at any time fill vacancies which may occur by resignation, death, or otherwise.

SEC. 5. That all deeds or other instruments of conveyance, shall be made by order of the board of trustees, sealed with their seal of the corporation, signed by the president, and by him acknowledged in his official capacity.

SEC. 6. The Legislative Assembly shall have power to alter or repeal this charter.

SEC. 7. This act to take effect from and after its passage.

Passed House January 10, 1857.

Passed Council January 14, 1857.

L. F. GROVER,

President of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to attach Cammas Prairie to, and make it a part of Douglas County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That all that portion of Coos county embraced within the following boundaries, to wit: Beginning at a point on the western line of Douglas county, on the north boundary of township 29 south, range 8 west; thence west, on township lines, to northwest corner of township 29 south, range 9 west; thence south, to southwest corner of township 30 south, range 9 west; thence east, on township lines, to the present western line of said Douglas county; thence north, on said western line, to the place of beginning, be and the same is hereby attached to, and made a part of Douglas county.

SEC. 2. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

Passed December 18, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAMES K. KELLY,

President of the Council.

AN ACT to change a Territorial Road in Marion County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That Thompson Ward, Isaac Lebo, and Albert J. Davidson, be and the same are hereby appointed commissioners to alter and change so much of the territorial road leading from Salem, in Marion county, via. Lebo's ferry, to Corvallis, in Benton county, commencing at or near A. J. Davidson's house, thence on the highest and most practicable route, to Isaac Lebo's ferry. The aforesaid commissioners shall meet at A. J. Davidson's, on the first Saturday of February next, or within six days thereafter, to enter upon their duties as commissioners.*

SEC. 2. The petitioners shall at their own expense, open and complete said change of road in as good condition as the original territorial road was previous to its vacation; *provided*, that the supervisor of said road district will receive and accept the same.

SEC. 3. This act to be in force from and after its passage.

Passed House January 9, 1857.

Passed Council January 13, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to revive a portion of a Territorial Road.

WHEREAS, that portion of the territorial road leading from Spores' ferry, in Lane county, to Winchester, in Douglas county, which lies in said county of Douglas, has been duly located, but no plat thereof has been filed in the office of the proper officer of Douglas county, aforesaid, and said road is not opened.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That all that portion of said road hereinbefore described, be and the same is hereby declared revived; and the county commissioners of said Douglas county, shall have power to cause a proper description of said road to be filed in the proper office of said county; whereupon, the same shall be opened and kept in repair as county roads are opened and kept in repair; *provided*, this act shall not be so construed as to apply to any portion of said road heretofore vacated by a late act of the Assembly.

Passed House January 27, 1857.

Passed Council January 28, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to locate a Territorial Road from Daniel Matheny, in Yamhill county, to B. F. McClench, in Yamhill county.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That W. B. Walker, Daniel Matheny, and B. F. McClench, are hereby appointed commissioners to locate a territorial road from Daniel Matheny's, in Yamhill county, to B. F. McClench's, in Polk county.

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of Daniel Matheny, on the first Monday of March, or at some time thereafter, as soon as practicable, as said commissioners may agree, and shall proceed, according to law, to locate said road.

SEC. 3. Said commissioners shall locate said road on the most direct and suitable route which can be obtained at the least expense, to Yamhill and Polk counties; and shall receive such compensation as the commissioners of said county shall allow not exceeding three dollars each per day, for the time actually employed in locating said road.

SEC. 4. This act shall take effect from the time of its passage.

Passed House January 27, 1857.

Passed Council January 28, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to require certain counties to supply deficits in their Territorial Revenue, for the year 1855.

WHEREAS, by an act of the Legislative Assembly, entitled "An act relating to territorial and school taxes," passed January 30, 1855, the board of county commissioners of each and every county in this Territory, was required to levy a tax of one and a-half mills on the dollar, upon all taxable property of each and every county, for territorial purposes, which was required to be collected at the same time and in the same manner as county taxes were required to be collected;

AND WHEREAS, certain counties levied and collected a tax of one mill only for territorial purposes for said year, 1855, while other counties levied and collected the full amount required by law; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That each and every county in this Territory, which failed as aforesaid, to levy and collect for territorial revenue, in year 1855, the amount required by the act aforesaid, be and the same are hereby authorized and required to pay over to the treasurer of said Territory, an amount equal to the deficit in the territorial revenue of such county or counties, in said year, 1855.

SEC. 2. It shall be the duty of the auditor of public accounts, forthwith to notify the board of county commissioners of each and every county interested under the provisions of this act, of the requirements thereof; and said auditor shall have and exercise the same power and authority to enforce the requirements of this act, which he has by existing law to enforce the payment of other current revenues of the Territory.

SEC. 3. This act shall take effect from the time of its passage.

Passed House January 27, 1857.

Passed Council January 28, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT for the Relief of School District No. 43, in the County of Linn.

WHEREAS, through a clerical error, school district number forty-three, in the county of Linn, said district has been deprived of school funds to the amount of twenty-five dollars, to which it was justly entitled; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the treasurer of the aforesaid county of Linn, be and he is hereby authorized and required to pay to the clerk of school district No. forty-three, in said county, the sum of twenty-five dollars, (\$25,) out of any moneys in his hands belonging to the school fund of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed House January 27, 1857.

Passed Council January 28, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to incorporate Corvallis Lodge, No. —.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That all such persons as are or may hereafter become members of Corvallis Lodge, No —, of Free and Accepted Masons, at Corvallis, in the county of Benton, and Territory of Oregon, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "Corvallis Lodge, No. —, of Free and Accepted Masons," and by that name they and their successors shall have perpetual succession; and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of law and equity whatsoever; and by the name and style of "Corvallis Lodge, No. —," be capable of purchasing and receiving, by gift or otherwise, and of holding and conveying, real estate for the benefit of said Lodge; *provided,* that said corporation shall not at any time hold property to an amount exceeding fifty thousand dollars.

SEC. 2. The three highest officers of said Lodge shall always be and they are hereby appointed trustees of said Lodge.

SEC. 3. Said corporation shall have power to make such by laws and regulations as may be deemed necessary for the government of its affairs, and for the purchase, sale, or transfer of its real estate or other property.

SEC. 4. A certificate over the signature of the officers of said corporation, to the effect that said Lodge has been duly organized, and recorded in the office of the clerk of the district court, shall be sufficient evidence of the existence and organization of said Lodge.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed the House January 6, 1857.

Passed the Council January 7, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAMES K. KELLY,

President of the Council.

AN ACT to establish Corvallis Institute.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon* That there shall be established in Corvallis, in Benton county, an institution of learning to be called the "Corvallis Institute;" and that Lucius W. Phelps, James H. Slater, John Trapp, I. C. Roberts, W. F. Boyakin, E. E. Taylor, B. R. Biddle, T. M. Reed, and their associates and successors in office, are hereby declared to be a body corporate and politic in law, by the name and style of "The Trustees of the Corvallis Institute."

SEC. 2. That said corporation shall have perpetual succession, and shall have power to acquire, receive, and possess, by donation, gift, or purchase, retain and enjoy property, real, personal and mixed, and the same to sell, grant, convey, rent, or otherwise dispose of at pleasure; *provided*, that no part of the resources thereof shall be used for any other than educational purposes herein contemplated; *and provided further*, that the yearly income of which shall not exceed twenty thousand dollars; they shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all courts of justice, both at law and in equity; they shall cause to be made for their use a common seal, impressed with such devices and inscriptions as they shall deem proper, by which seal all deeds, diplomas, and acts of said corporation shall pass and be authenticated; and they shall have power to alter or amend the same at pleasure; they shall have power to form and adopt a constitution and code of by-laws for their government; to make and carry into effect all necessary regulations for the management of their fiscal concerns; to appoint subordinate officers and agents; to make, ordain, and establish such ordinances, rules, and regulations as they may judge necessary or expedient for the good government of said institution, the officers, teachers, and pupils: *provided*, that such ordinances, rules, and regulations shall not contravene the constitution of the United States, or the laws of this Territory.

SEC. 3. That said trustees shall meet at least once every year, and shall manage the concerns of said institution as they shall consider most advantageous to the cause of education; that five of their

number shall form a quorum at any regular meeting for the transaction of business. Said board of trustees shall elect one of their number to be president; and when it may be deemed advisable to add to the number of trustees, or become necessary to fill vacancies which may occur by death, resignation, or otherwise, said board of trustees shall elect such additional trustees, and fill such occurring vacancies. The first meeting of said board of trustees, after the passage of this act, shall be called by L. W. Phelps, and held at Corvallis, Benton county.

SEC. 4. If from any cause the board of trustees shall become less than five, and thus be unable to number a quorum, then the Corvallis Baptist Church shall have power to fill the vacancies.

SEC. 5. That all deeds or other instruments of conveyance shall be made by order of the board of trustees, sealed with the seal of the corporation, signed by the president, and by him acknowledged in his official capacity, in order to insure their validity.

SEC. 6. That the principal and teachers of said institution shall be styled "The Faculty of Corvallis Institute," who shall have power, by and with the advice of the trustees, to expel any student for misconduct, in accordance with the rules adopted by the board; and said faculty, by and with the advice and approbation of the board of trustees, may confer such marks and honors of scientific distinction as are exercised by other similar academic institutions in the United States.

SEC. 7. That the principal of said institution shall be, *ex officio*, a member of the board of trustees.

SEC. 8. That the president of the board of trustees shall, at the end of each academic year, file in the office of the Secretary of this Territory a report containing the names of the faculty, and the branches taught by them; the number of pupils in the several classes respectively, and the whole number taught in the institution during the year; which report shall be kept on file by the said Secretary, for the free inspection of any person or persons wishing to examine the same; and a copy to be filed in the archives of the institution, and accessible at all times for inspection.

SEC. 9. The Legislature shall have power at any time to alter, amend or repeal this act.

SEC. 10. This act to take effect and be in force from and after its passage.

Passed the House January 20, 1857.

Passed the Council January 22, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to locate and establish a Territorial Road from Conser's Ferry on the Santiam River, in Marion County, by way of Butteville, to intersect the Boon's Ferry and Portland Road at or near Tualatin Bridge on said Road, in Washington County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That Benjamin Walden, Wm. P. Pugh, and Christopher Stamens, be and hereby appointed a board of commissioners to locate and establish a territorial road, commencing at Conser's Ferry on the Santiam River, in Marion county, and running thence, on the best and most practicable route, to Labish Bridge; and thence on, or as near as may be judged best, the surveyed route of the county road from Salem to Butteville, in Marion county; and thence, through Yamhill county, to a point in the road leading from Boon's Ferry to Portland, at or near the bridge over the Tualatin river, in Washington county.*

SEC. 2. Said commissioners, or a majority of them, shall meet at Salem, shall meet on the first Monday of March next, or as soon thereafter as a majority of them shall agree, and, after being duly sworn faithfully and impartially to perform the duties of their appointment, shall proceed to view and locate said road as indicated in the first section of this act, and the law relating to such road.

SEC. 3. Said commissioners shall make a plat and description of said road, exhibiting that part which lies in Marion county, and that part which lies in each of the counties of Washington and Yamhill, and file the same with clerks of said counties of Marion, Washing-

ton, and Yamhill, respectively; and when filed, the said road shall be opened and kept in repair as other territorial roads.

SEC. 4. Said commissioners shall each receive three dollars per day for each and every day they may be necessarily employed in locating and establishing said road, to be paid in equal parts by the said counties.

SEC. 5. This act to take effect from and after its passage.

Passed House January 27, 1857.

Passed Council January 28, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAMES K. KELLY,

President of the Council.

AN ACT to incorporate Corinthian Lodge No. —.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That all such persons as are or may hereafter become members of Corinthian Lodge, No. —, of Free and Accepted Masons, at Albany, in the county of Linn, and Territory of Oregon, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "Corinthian Lodge, No. —, of Free and Accepted Masons;" and by that name they and their successors shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of law and equity whatsoever; and by the name and style of "Corinthian Lodge, No. —," be capable of purchasing and receiving, by gift or otherwise, and of holding and conveying real estate for the benefit of said Lodge; *provided,* that said corporation shall not at any time hold property to an amount exceeding fifty thousand dollars.

SEC. 2. The three highest officers of said Lodge shall always be, and they are hereby appointed trustees of said Lodge.

SEC. 3. The said corporation shall have power to make such by-laws and regulations as may be deemed necessary for the government of its affairs, and for the purchase, sale, or transfer of its real estate or other property.

SEC. 4. A certificate over the signature of the officers of said corporation, to the effect that said Lodge has been duly organized, and recorded in office of the clerk of the district court, shall be sufficient evidence of the existence and organization of said Lodge.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed House December 12, 1856.

Passed Council December 13, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT for the Relief of E. S. Cox and P. D. Palmer.

WHEREAS, by the report of a joint committee of the Territorial Assembly, to whom was referred the claims of contractors for the erection of public buildings at the seat of government of the Territory, (made January 24, 1855,) there was found due to Cox and Palmer, contractors for performing the painting and glazing upon the State House, the sum of \$1,592 00, and there has been paid by the commissioners the sum of \$1,100 00, and allowed by the accounting officer of the treasury department at Washington, the further sum of \$192 00, leaving a balance as found due by said joint committee, of \$300 00; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the territorial treasurer be and he is hereby authorized and directed to pay to said E. S. Cox and P. D. Palmer, the sum of three hundred dollars, (\$300 00,) out of any money in the treasury not otherwise appropriated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed House January 27, 1857.

Passed Council January 28, 1857.

L. F. GROVER,

President of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to change the name of Clara Hay.

WHEREAS, David E. Pease and Hannah J. Pease, of Clatsop county, in the Territory of Oregon, not having any direct issue by their marriage, and having been put in possession of an infant child of very tender age, by its father, Clark Hay, for to adopt and raise, the said child's mother having died at the time of its birth, and the said father relinquishes unto the said David E. and Hannah J. Pease, all claim and control of said child; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the name of Clara Hay, be and the same is hereby changed to the name of Clara Hay Pease.

SEC. 2. That said Clara Hay Pease, is hereby made the legal heir of said David E. and Hannah J. Pease, as fully as though she was their direct issue.

SEC. 3. This act to take effect and be in force from and after its passage.

Passed the House December 11, 1856.

Passed the Council December 13th, 1856.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT to locate a Territorial Road from Oregon City, in Clackamas County, to Corvallis, in Benton County.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That D. J. Schnebly, Peter A. Wise, and A. E. Hays, be and they are hereby appointed commissioners to view and locate a territorial road from Oregon City, to intersect the territorial road from Portland, in Multnomah county, to Corvallis, in Benton county.*

SEC. 2. Said commissioners, or a majority of them, shall meet at Oregon City, on the first Monday in May next, or so soon thereafter as they may agree upon, and after being duly sworn to faithfully perform their duties as viewers of said road, shall proceed to survey, mark, and locate said road as follows: Commencing at Oregon City, thence south, along the east bank of the Willamette river, until opposite the mouth of the Tualatin river, thence across the Willamette to the Tualatin, aforesaid and up the same on the south bank some two miles, as in their judgment may seem right; thence, in a south-westerly direction, so as to intersect the road from Portland to Corvallis, at or near where the same passes through the gap in Chehalem mountain, Yamhill county.

SEC. 3. Said commissioners shall receive as a compensation for their services, two dollars per day each, for every day actually and necessarily employed in the discharge of their duties as such commissioners.

SEC. 4. This act to take effect and be in force from and after its passage.

Passed House January 26, 1857.

Passed Council January 28, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

AN ACT Declaring Coal Bank Creek a Public Highway.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That Coal Bank Creek, (one of the tributaries of Coos Bay,) be and the same is hereby declared a public highway.*

SEC. 2. *This act shall take effect from the time of its passage.*

Passed House January 27, 1857.

Passed Council January 28, 1857.

L. F. GROVER,

Speaker of the House of Representatives.

JAS. K. KELLY,

President of the Council.

INDEX
TO
GENERAL AND SPECIAL LAWS.

INDEX TO GENERAL LAWS.

Actions at Law, Act to regulate proceedings in,.....	23
Auditors, Penalty for neglecting duty,.....	32
Bridges, Building of,.....	29
Chinamen, Taxing of,.....	13
Courts, Practice in,.....	17
Census of Oregon, taking of,.....	28
Claims against Territory or United States, Fraudulent transfer of,.....	30
County Auditors,.....	32
Court, Supreme,.....	36
Claims growing out of Indian War,.....	39
Divorce,.....	38
Estrays,.....	37
Frauds, in transfer of Claims,.....	30
Ferries and Roads,.....	34
Guardians and Wards,.....	35
Lien of Judgment upon Real Estate,.....	23
Militia, Organization of,.....	34
Masters and Servants,.....	35
Marks, Brands, Weights, and Measures,.....	38
Marriage and Divorce,.....	38
Penitentiary, Superintendent of,.....	9
Practice in Dist. Courts,.....	17
Roads, Opening of,.....	33

Superintendent of Penitentiary,.....	9
State Government, Formation of,.....	26
Seamen, Act to prevent and punish enticement of, from Vessels, ...	31
Schools and School Lands,.....	36
Supreme Court, Times of holding,.....	36
 Tax on Chinamen,.....	 13
Treasury Department, Act to regulate,.....	27

INDEX TO SPECIAL LAWS.

Academy, Umpqua, ...	44
Adelphosophical Society, Eugene City, ...	68
Boundary line of Washington and Yamhill Counties, ...	15
Bridge, Eugene City Co., ...	26
" Des Chutes Co., ...	57
" South Santiam Co., ...	64
City, charter of Dalles, ...	1
" " of Oregon City, ...	16
" " of Salem, ...	22
" " of Corvallis, ...	33
Chapman, Willie, relief of, ...	6
Christman, Campbell E. and Lucinda, ...	13
Coal Bank creek, public highway, ...	93
Ferry, Polk and Marion Free, ...	15
Harris, Catharine, divorce, ...	12
Hay, Clara, change of name, ...	91
Institute, Montville, ...	71
" Corvallis, ...	
Lodge, Samaritan, No. 2, ...	52
" Eugene City, No. 11, ...	18
" Corvallis, No. —, ...	
" Corinthian, No. —, ...	89
Library Association, Albany, ...	69
Methodist Episcopal Church, Fairfield, ...	13
Manufacturing Company, Oregon Woolen, ...	39
" " Willamette Woolen, ...	47
Ogle, James, relief of, ...	68

Relief of Clackamas and other counties, ...	21
“ of certain creditors, ..	31
Ranier Benevolent Association, ...	49
Relief of James Ogle, ...	68
Roads and Ferries—amendment of law relating to, ...	70
Revenue—certain counties to supply deficits, ...	83
Relief of Cox & Palmer, ...	90
Road, Territorial, Roseburg to Coos Bay, ...	7
“ Cascade company, ...	9
“ Military, from Scottsburg to Myrtle creek, ...	19
“ Territorial, Sandy to Dalles, ...	20
“ “ Linn City to Hillsborough, ...	21
“ “ Oregon City to Pleasant Hill, ...	31
“ “ Estes' to Winchester, ...	32
“ “ in Polk county, ...	38
“ “ Salem to Portland, ...	38
“ Portland and Dayton Plank, ...	41
“ Territorial, Salem to Doak's ferry, ...	43
“ “ Miller's ferry to Portland, ...	49
“ “ Boonville to Eugene City, ...	51
“ “ Spores' to Winchester, ...	53
“ “ Dalles to John Day's, ...	61
“ “ Corvallis to Estes', ...	66
“ “ Jacksonville to California line, ...	67
“ “ Marion county, ...	81
“ “ Portion of, ...	82
“ “ Matheny's to McClench's, ...	82
“ “ Conser's to Tualatin Bridge, ...	88
“ “ Oregon City to Corvallis, ...	92
“ Newport Rail, ...	54
Santiam River Public Highway, ...	7
School District, No. 43, Linn county, ...	84
Temperance, Sons of	18
Tualatin Transportation company, ...	6